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PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

1° & 2° VICTORIÆ, 1838.

VOL. [illegible]

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THE FIRST DAY OF JUNE

TO

THE SIXTEENTH DAY OF AUGUST, 1838.

Sixth and last Volume of the Session.

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Papal Aggression—Ecclesiastical Titles. *A Better Report of the Speech of* MR. P. H. HOWARD 1966

MARCH 27.
Differential Duties (Spain). *A Better Report of the Reply of* MR. ANDERSON ... 1972

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

FOURTH SESSION OF THE *FIFTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 21 SEPTEMBER, 1847, AND FROM THENCE
CONTINUED TILL 4 FEBRUARY, 1851, IN THE FOURTEENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FIFTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, July 1, 1851.

MINUTES.] PUBLIC BILLS.—1ª General Board of Health.

2ª Prisons (Scotland); Survey of Great Britain, &c.

Reported.—Patent Law Amendment (No. 3).

SMITHFIELD MARKET REMOVAL BILL.

LORD REDESDALE, Chairman of the Standing Orders Committee, brought up a Special Report, stating that this Bill ought not to be proceeded with, inasmuch as certain notices, which were required to be given in the case of Private Bills, had not been given, and thus the Standing Orders had not been complied with, and that the Bill should not be allowed to proceed.

LORD BEAUMONT said, he was not going to impugn the decision of the Standing Orders Committee. He concluded that that Committee had come to a correct conclusion, on the supposition that this was a Private Bill. But their Lordships, in his opinion, would establish a bad, if not a dangerous precedent, if they too considered it as a Private Bill, and thereby prevented a great public benefit from being immediately accomplished. The Bill, referred to by the Committee as a Private Bill, was a Public Bill, introduced by the Government for the removal of one of the greatest nuisances in this immense metropolis; and, as a sanitary measure, was of as great public interest as any that could be introduced into the Legislature. It had been introduced into the other House of Parliament, not as a Private Bill on petition, but as a Public Bill on Motion. If it had been a Private Bill, notice ought to have been given to certain parties interested in it in October last; but it was a Public Bill of great importance, and Government did not resolve upon its nature and character till February last. In consequence no notice was given of it as a Private Bill to the parties interested therein. The Government, the other House of Parliament, and the Standing Orders Committee of that House, considered it as a Public Bill, and proceeded with it accordingly. It was proceeded with in the House of Commons, he once more repeated, as a Public Bill, with this one exception, that a reference was made to the Standing Orders Committee at one stage of the Bill; and the Standing Orders

Committee, considering it to be a Bill more of a public than of a private nature, and likewise considering that substantial justice would be done in the Select Committee, with respect to all parties who were interested, came to the conclusion that, though it was a Public Bill, one public notice of it ought to be given, and that public notice was given on the 18th of March in this year, in the *London Gazette.* The Select Committee then proceeded with it as a Public Bill—so, too, did the House of Commons; and to this House it came up as a Public Bill, and nothing else. Thus far as to the argument that it came up as a Public Bill from the other House; but however that might be, it was open to their Lordships to consider it in their discretion either as a Public or as a Private Bill. The question, then, really before them was this, "Is this a Bill involving great public interests, or is it a Private Bill affecting only the pocket interests of private individuals? In similar cases, as in the Metropolitan Cemeteries Bill, their Lordships had considered the Bills as Public Bills, and did not refer them to the Standing Orders Committee as Private Bills. Even supposing it were a Private Bill, he thought their Lordships should consider whether it was not one of such importance as to require that their Standing Orders be dispensed with. The House ought not to lose sight of the object which it had in view when it passed the Standing Order in question. The Standing Orders were adopted with the intention of preventing private property being dealt with, without ample notice and time being given to enable the parties having an interest in the property to put themselves in a position to state their case, and to oppose the proposed measure. Had the city of London that notice and that time given and allowed them? He maintained they had. The subject had been for years before the public; it had been discussed frequently in Parliament. It was noticed in all the public journals—the City of London was fully aware of the intention of Government — the Government had communicated officially on the subject with the City—the City would have been no wiser if the Standing Orders had been complied with; they had hád equitable, if not legal, notice. Their Lordships, therefore, were inflicting no injury by not insisting on compliance with the Standing Orders. He should therefore move, as an Amendment—

> "That considering the Smithfield Market Removal Bill partakes more of the Nature of a Public Bill than of the Nature of a Private Bill, this House is of Opinion that Compliance with the Standing Orders of the House respecting Private Bills should not be required in the Case of the said Bill, and that the said Bill be proceeded with as a Public Bill."

The Corporation of London had had ample equitable notice of it, and might, if they had chosen, have claimed to be heard at the bar by counsel against it.

The MARQUESS of SALISBURY observed, that it was a thing quite unheard of to propose such an Amendment, or rather to make such a Motion without notice.

LORD BEAUMONT was quite prepared to give notice of his Motion, if it were deemed necessary.

EARL GREY requested his noble Friend to withdraw his Motion now, and give notice of it for Thursday.

LORD LYNDHURST observed, that there were several clauses in this Bill which constituted it a Public Bill, and, if so, it was not liable to the Standing Orders.

LORD REDESDALE said, it had always been the practice, whenever private property was in any way touched in a Bill, to consider it a Private Bill. The Standing Orders had been passed for the protection of private rights and private property, on both of which this Bill made a direct attack. A great principle was involved in their Lordships' decision that evening. If their decision was against complying with the Standing Orders, a door to injustice would be opened, which they might never be able to close. The evidence laid before the Standing Orders Committee was such that they could not resist the force of it.

LORD BROUGHAM thought it was very necessary that their Lordships should consider whether this was a Private or a Public Bill. He thought that it would be better for his noble Friend opposite (Lord Beaumont)—to the propriety of whose Amendment he fully subscribed—to omit the preamble of it, and to move that their Lordships should exercise their discretion, and dispense in this case with the Standing Orders. Undoubtedly they had that discretion; if they had it not they would be the mere slaves of the Standing Orders. He had no fear of their Lordships being suspected of injustice, or of their losing the respect and attachment of their fellow-countrymen, by adopting the Amendment of his noble Friend.

Motion, by leave, withdrawn.

PATENT LAW AMENDMENT (No. 3) BILL.

Order of the Day for the House to be put into Committee, read.

EARL GRANVILLE said, that before the House resolved itself into a Committee on this Bill, though he was afraid that he should scarcely be able to explain a measure of such importance on so difficult a subject, he felt that it would not be respectful to their Lordships to lay it before them without some explanation, carefully as it had been considered by the Select Committee. He felt that this was the more necessary on account of a request which had been made to him by a noble and learned Friend of his (Lord Brougham), who had told him that some explanation ought to be made of its provisions, in consequence of a misapprehension which ex- at present in the public mind. Instead of the two Bills which had been prepared on this subject, one by the noble and learned Lord, and the other by himself, having been rejected by the Select Committee to which they were referred, and instead of a new Bill having been substituted for them, the Bill upon which he now proposed to go into Committee was an amalgamation of the provisions contained in them both, and the very little new matter introduced into it was entirely of a technical nature. The shortest way of explaining the nature of the Bill itself wonld be to state, in the first instance, the principal objections to the present patent laws which it was proposed to take away. These were the delay and expense incident to the present system, the want of security under which those who now took out patents laboured, and the opportunity of fraud by false inventors; there was also the existence of many useless patents, and of several patents on the same subject; the necessity also of having three different patents for the three different parts of the United Kingdom was considered objectionable. There was also great doubt as to the legality of our patents in the Colonies, while the Colonies complained of the injustice of extending our patents to them; and another grievance was, that foreigners, the importers of articles of foreign invention or manufacture, could obtain protection for those inventions in this country. He had now to explain to their Lordships certain clauses which he had to propose in order to meet all these objections. The second and third clauses of the Bill constituted certain high functionaries of State Commissioners of Patents for Inventions; these officers were the Lord Chancellor, the Master of the Rolls, and the Law Officers of England, Scotland, and Ireland; these Commissioners were authorised to appoint persons of scientific acquirements to act as examiners and officers in execution of the powers created under it: they would also have the power to make rules; but those rules must be laid within fourteen days after the making thereof before both Houses of Parliament, if Parliament were then sitting, or within fourteen days after the next meeting of Parliament, if Parliament were not sitting. Instead of eight offices, to which the person now seeking a patent must apply, there would only be two offices in future—one of a public, the other partaking rather of a private character. The first would be the Great Seal Patent Office existing at present; the other would be a new office, created under this Bill, of the nature of a Record Office of the Attorney General. He thought that their Lordships would readily agree with him that no inconvenience could arise from having as Commissioners such high functionaries as the Lord Chancellor and the Master of the Rolls, associated as they would be with the Attorney General, and also with the Solicitor General for England. To these law officers of the Crown in England he would also add the Lord Advocate and the Solicitor General for Scotland, and the Attorney General and the Solicitor General for Ireland, for the purpose of protecting the interests of each of those countries respectively, and for the purpose of taking notice of any peculiarities that might be noticeable in the practice of either of them. Power would also be reserved to Her Majesty, by warrant under the sign manual, to appoint such other persons as She might think fit as Commissioners. Now, though this body might be considered by some as too cumbersome for the transaction of practical business, it was not the intention of the Act that these great functionaries should act ministerially: the Commissioners would only be called upon in the first instance to frame the rules under which they must afterwards act, while the real practical business of the Commission would devolve entirely on the law officers of the Crown in the United Kingdoms. The next four clauses of the Bill regulated the mode in which application was hereafter to be made for the granting of a patent. The petition and declaration for the grant of letters patent for an invention must be left at the

Great Seal Patent Office. With that petition there must be left a statement in writing signed by the applicant, to be called the "Provisional Specification," describing the nature of his invention; and then the petition would be recorded and referred to the law officers of the Crown. This would obviate an objection, which had been much urged before the Select Committee, that persons with vague notions of improvements in their heads, spending the six months at present allowed before they are required making a specification in picking up hints, and violating patents on every side, and at last patenting something which differed entirely from what they first proposed, spent six months in framing their specifications, and after all discovering that they reaped very little benefit from their labour. The next clause provided a great advantage for the poor machanic, who had difficulty in finding capital to carry out his invention. It provided that any person, who in his provisional specification deposited at the Great Seal Patent Office, had satisfactorily described the nature of his invention, should upon payment of the sum of *5l.*, receive a certificate of the fact from the Commissioners, and having received that certificate, should be protected for the term of six months from the date of his application for a patent. It also provided that during that period—which on special application might be extended for three months longer—the applicant might avail himself of his protection to display and use his invention, and to amend his specification. He believed that in this manner, if the invention was comparatively worthless, the inventor would be deterred from much useless expense; whereas, if it were a valuable one, he would find it easy to communicate with capitalists who had power to aid him in working out his patent advantageously. The pith of the 8th clause was to do away with the mischief of the *caveat* principle, which had been condemned, with one exception, by the whole of the witnesses examined before the Select Committee. It was shown that by the *caveat* system persons without any inventive ability, seeing that a want was felt and would be soon remedied, entered a *caveat*, and claimed priority of invention over the real inventor as soon as he applied for a patent. The 8th clause provided that, after the applicant had protected his invention as he had already described, he might give notice at the office of the Commissioners of his intention of proceeding with his application, and that thereupon the Commissioners should cause his application to be advertised in such manner as they might think fit. If any persons had an interest in opposing the grant of letters patent for the applicant's invention, they must leave particulars in writing of their objections to the application at the office of the Commissioners. The provisional specification of the applicant, and the particulars of the objections to it, would then be referred by the Commissioners to one of the Examiners appointed under this Bill, who would inquire into the novelty of the invention, and would report upon it to the law officer to whom the application was originally referred; and after his report no further objections would be admitted. The 9th clause of the Bill, in case any person felt himself injured by the report of the Examiner, gave that person power of appeal to the law officer to whom the application was referred, and he might revise and inquire into the circumstances of the report, and make such order thereon as appeared to him to be just, and might alter, vary, or amend any title, provisional specification, certificate, or report accordingly. He knew that an objection had been made to vesting such power in the law officer of the Crown, because he was a functionary who was frequently changing, and could not give up his whole time to these transactions. The Select Committee had heard evidence on that point, and had decided that the question of law in such matters was so much mixed up with questions of science that it was quite impossible for scientific men, without a knowledge of law, to carry out their scientific knowledge with respect to the system of patents by themselves satisfactorily; and if the necessity of legal assistance was admitted, the fact that the law officers of the Crown were selected from the most eminent men of the day, was sufficient to show the great advantage of associating them with the Examiners to carry out the provisions of the Act. As to emoluments, though it was necessary to consider what was due to such high functionaries, yet he must say that no men could have shown more indifference to that part of the question than the two learned gentlemen who now held those appointments, although this Bill would cause a great loss of income to them. The next clause was the 10th; and it enacted that the warrant of the law officer for sealing the patent should be a sufficient authority for issuing the letters patent, which were to extend to the United Kingdoms of Great Britain and Ireland, the Channel Islands, and the Isle of Man. This clause would sweep away many of the objections which had been urged against the various and manifold offices through which the letters patent were at present obliged to pass before they could issue. With regard to the next clause, it contained a new principle which had been productive of great advantage in foreign countries. Instead of calling upon the applicant to make one large payment at the time when his letters patent first issued, it was now proposed to spread it over a series of seven years, in three periodical payments. The fees to be paid on leaving his petition for the grant of letters patent, on leaving notice of his intention to proceed with his application, on the sealing of his letters patent, and on the filing of his specification, would amount to 20*l.*, which, with the stamp, 5*l.*, would make the whole of the first payment amount to 25*l.* At or before the expiration of the third year from the grant, he would be called upon to pay a fee of 40*l.*, and a 10*l.* stamp for the certificate of the payment to the Clerk of the Patents; and, lastly, at or before the expiration of the seventh year he would be called upon to pay a fee of 80*l.*, and a 20*l.* stamp. The great advantage of this alteration would be that it would ease the inventor in the first instance: if his invention turned out useful and valuable, he could easily pay these fees at the expiration of the third and the seventh year respectively; and if not, he could dispense with their payment, whereby his letters patent would become void by the failure to pay the second and third instalments, and the injurious accumulation of a multiplication of useless patents would be entirely prevented. The 12th clause varied the form of the transcripts of the letters patent, which were to be issued for the purpose of being enrolled in Edinburgh and Dublin respectively at no expense to the patentee. The 13th clause extended the letters patent at present existing to Scotland and Ireland, and enabled the holder of them in one or both countries to place himself in the same position in the third Kingdom. The 14th clause provided that the use of an invention abroad should have the like effect on letters patent as the use and publication in the United Kingdom. Our present law was unlike that of any other country. The absolute novelty of the invention was required to be proved in other countries; in this country all that was required was that it should be an invention novel in the United Kingdom. This might have been a useful provision in former times, when travelling to foreign countries was difficult, and the means of publishing what was known there were small; but now, when distance was annihilated by steam vessels and railroads, it was a monstrous case that a person like himself, who was almost ignorant of chemistry or mechanics, should be allowed to go to Belgium, make himself acquainted with some valuable chemical or mechanical invention publicly used there, and then come back to this country and take out a patent for it, and claim a monopoly for it in the United Kingdom against the whole world. The only hardship would be on those persons who invented anything without knowing that it was previously in use, or published abroad; but even for that evil they possessed a remedy in the number of scientific journals and official publications to which inventors could refer. The next nine clauses, the principal part of which had been introduced by the noble and learned Lord into the original Bill, and the rest by the Select Committee, related to the keeping, filing, and printing of specifications, the keeping of an alphabetical register of patents, and the keeping of a register of inventions in the chronological order of their patents. These provisions, he believed, would prove of the greatest use. It was often absolutely impossible at present to find out what was really patented in this country or not. Persons might go about from office to office, and find nothing which would lead to the specification he required, so that an inventor might remain in ignorance of what had been done by other persons. He (Earl Granville) was not extremely sanguine himself that all inventors would take great pains to discover whether their inventions, which might have cost great labour and anxiety, were perfectly novel or not; but it was quite clear that an opportunity should be given by the State of obtaining proper information in this respect. The next four clauses, beginning with the 23rd, extended the provisions of what was commonly called Lord Brougham's Act, and were of a more strictly legal character than the others; but he might mention that they had received the sanction of the Lord Chief Justice, besides the unanimous approbation of the Select Committee, and he did not think it likely that their Lordships would raise any objection to them. With respect to the 27th, 28th, and 29th clauses, it would be his duty to strike them out of the Bill in Committee, because, being financial clauses, it was not in the power of their Lordships to send them to the House of Commons. He was aware that it was very difficult for noble Lords who had not paid attention to the subject to follow him, and he had to apologise for being unable more clearly to explain to them the provisions of the proposed Bill. To recite its scope and object briefly: the Bill was intended to abolish useless offices and stages, and to substitute one public and one private office for a great number, as he had before stated—to prevent many of the frauds now practised by requiring the specifications to be much more accurate, and not merely vague generalities, for the purpose of mystifying the public—to afford useful assistance to the law officers of the Crown—to give protection from the date of application, by a provisional registration—to abolish the system of caveats, and to make all patented inventions easy of access to the public. He had omitted to allude to the fact that it was proposed to omit the colonies from the effect of patent laws. He had intended to state very shortly the justice and policy of so doing; but, as he knew that a noble Lord on the cross-benches had some observations to make on that point, he thought it better to wait until after that noble Lord had spoken. With respect to the inconveniences of the existing system, he believed there was only one witness who stated before the Select Committee that he was not aware of any, and that witness was a person deeply interested in upholding it. The Committee, he might mention, although after much discussion and much doubt upon certain points, were unanimously of opinion that the great weight of evidence was in favour of the remedies proposed in this Bill. There was one class of witnesses who maintained that there was an absolute innate right of property in ideas, and that all inventors should be at liberty as cheaply as possible to register their designs, without previous examination and at small cost, which should constitute a patent, which could only be disputed afterwards in a court of justice. Now, without going into any abstruse question as to the origin of property, or the difference between property in material objects and property in intellectual objects, or whether the real ground of property was not the public good, he would contend that it was impossible to define property in an idea. He believed that the only principle on which patents could be justified was, that the patent was a bargain between the inventor and the public, by which the inventor was stimulated to make inventions, and afterwards encouraged to make them known to the whole world. The inconvenience of making the registration of design a patent without inquiry would be enormous—the multiplicity of patents would obstruct the proceedings of the manufacturers, and they would have a *primâ facie* legal power given to every inventor, on the payment of a small sum of money, to extort from manufacturers using old established patents, a sort of compromise under fear of the expensive consequences of appealing to a court of law. Another class of witnesses came before the Committee, and contended that the system of granting patents at all was wrong, and that it was of no advantage either to the inventors or to the community. With regard to the necessity of a patent law, he believed it would have been easy for him, as Chairman of the Committee, to get a hundred sensible persons to give evidence to that effect; but with respect to the injurious tendency of the whole system there were probably not six persons who could be got to give evidence in support of that view—but yet he would not have their Lordships to put entirely aside the evidence of the witnesses on this side of the question. They were so few in number that he might be allowed to enumerate them. The first was Mr. Cubitt, the civil engineer, whose evidence was certainly worthy of consideration, because, very greatly to his credit, he had raised himself by gradual steps from the *status* of a working journeyman to his present high position of President of Civil Engineers, and was held in great consideration throughout the country for his personal integrity and professional attainments. Mr. Cubitt's opinion was conclusive against the whole system of patents. The next was Mr. Brunel, of whom it was not necessary to say that his evidence was of great weight and importance. The next witness was Mr. Ricardo, M.P., who also gave valuable evidence on the same side of the question, which evidence he hoped their Lordships would not think the less valuable that it was printed as an appendix, in consequence of the accidental omission of the Committee to examine him on oath. The next witness was Colonel Reid, author of a work on the *Law of Storms*, and Chairman of the Executive Committee of the Exhibition. He also gave evidence to the same effect, although his opinion was derived from reading, and was not founded upon a practical knowledge of the question. Another witness was Mr. Farrie, a sugar refiner, and, although he held the opinion that it was unjust to exempt the Colonies, if we were to have patent laws, he spoke most strongly of the injury which was done to this country by the existence of patent laws at all. Mr. ——, the Swiss Consul, stated that, although invention is rife in Switzerland, there are no patent laws there. The last witness was the Master of the Rolls, who, notwithstanding the experience he had had as one of the law officers of the Crown in administering the patent laws, and although he took charge of the first Bill which the Government proposed on the subject, was decidedly of opinion that patent laws were bad in principle, and were of no advantage either to the public or inventors. He (Lord Granville) was afraid that it might be thought he was taking a strange course when he supported the present Bill, and, at the same time, avowed himself very much of the same opinion as those Gentlemen whose views he had just alluded to. He was first induced to take this view from finding the infinite variety of suggestions that were made for the amendment of the existing patent laws, and because of his surprise at finding that the two learned gentlemen who were employed by the Government to draw up the heads of the Bill which was proposed by the Master of the Rolls were of opinion that, although the Bill might in some respects be useful, it was impossible to draw up a Bill which would obviate all the difficulties which existed on this subject. He had accordingly gone into the Select Committee with what the learned and noble Lord opposite might be disposed to call an hallucination on the subject; and he was sorry to say, that such was the obstinacy of his nature, that all the evidence that had been brought before the Committee, both of the gentlemen who were opposed to the system of patents, and those who were most strongly in favour of it, had only tended to confirm his previous opinion that the whole system was unadvisable for the public, disadvantageous to inventors, and wrong in principle. Having stated this opinion, which of itself must be worthless in the estimation of their Lordships, he was anxious to state the grounds upon which he believed such an opinion could be justified. He had already stated that he thought it impossible to hold any innate right of property in ideas, and that the only reasonable ground upon which the patent laws could be supported, was, that they stimulated inventors, and encouraged them to discover their inventions. Now, he entirely disbelieved that in the present state of the world—even if it was different at the earlier stages of society—it was at all necessary to stimulate inventors: to scheme and invent was almost a madness with some people, and they were always endeavouring to improve on everything they saw. It had been well observed by Mr. Ricardo in his evidence, that if they looked back to former experience they would find that some of the most valuable discoveries of ancient times, such as writing and arithmetic, were not produced under the stimulus of patents—that although in the time of James I. a patent was obtained for the philosopher's stone, yet the important inventions of printing, gunpowder, painting in oils and glass, had been made, not under the stimulant of patents, but under the fear and peril of the stake and the gibbet. He found also that scientific men were in the habit of making known their discoveries with great alacrity to the public, without seeking any protection from patents. With respect to the supposed advantage to inventors, he would say, what he believed would not be denied, that not one in fifty inventions were of the slightest use to the public. In the case of the forty-nine useless inventions, the patent laws gave a factitious stimulus to false inventors, and prevented them from being occupied with work which would be more useful to themselves and the public. With respect to the few inventors who were successful, he admitted that there were some lottery prizes, though even here it should be remembered that the true inventor was often not the man who arrived at the last step of the invention, and who obtained the prize for it; but the man who, after long, laborious, and learned research, had brought it up to the last step, but who, not having completed the invention, was not entitled to the lottery ticket. With respect to the true inventor, he was often put to additional expense, also, in secretly carrying on his experiments; while, in the case of the poor inventor, he was frequently unable to make use of a patent even when he got it, from the want of capital to work it. He believed that a liberal master would be ready to reward an ingenious workman who was able to make valuable suggestions for improving and cheapening any process of manufacture; and that such workman would find his value raised in the money market, and obtain higher wages than a stupid man who had not that talent. So, without a patent law, he would not go unrewarded. It had been stated by one of the witnesses (Mr. Lloyd), that one of the worst effects of the patent laws was to induce a workman, instead of extending his deas, to stereotype his one idea, with the view of making his fortune thereby. Mr. Ricardo and Mr. Brunel had pointed out, too, the evils which might arise from giving foundation for a master to suspect his workmen of using his tools and his capital, in order secretly to obtain the right to an invention which might be used against him, or placed at the disposal of other competitors. Mr. Mercer, a journeyman calico printer, of great merit, and a self-educated man, who had made some important chemical contributions to the Exhibition, was examined before the Committee. He stated that he had made two useful inventions—one for shrinking coarse fabrics, and the other for imparting to calicoes brighter colours. He communicated with his master, being too poor to obtain patents. His master adopted the plans. He worked very hard to keep his master ahead of other competitors, and, at the end of five years, he was taken into partnership. From this, he (Earl Granville) deduced that Mr. Mercer was more benefited by not having obtained a patent, and that ingenious workmen would always receive consideration from their employers. Now, although this person's evidence was given with the view of showing the necessity of an improved patent law, he (Earl Granville) thought that it went to uphold his argument that such laws were quite unnecessary. With respect to the public, he believed that patent laws were equally disadvantageous. It was quite clear that the tendency of the system was to raise the price of the commodity during the fourteen years which the patent existed; and it was often worth the while of a rich company to keep the sale of a patented article exclusively in their own hands by the exorbitant price which they put upon the licences, to prevent any other person making use of the patent during the monopoly. He knew he would be met by the case of the copyright of books, but he denied that the cases were analogous. He did not say that a copyright was not just, but that it was a perfectly different matter. If any one of their Lordships wrote a book, it would only add to the intellectual resources of the world, and any one might make use of any idea in that book the next day; but in the case of a patent, the manufacturer was not only prevented from using it, but from using anything like it, though the concurrence of similar inventions was very remarkable. That was sufficient to show that the two cases were not analogous. He might be met, also, by the case of foreign countries. He might be told that every foreign country possessed a patent law; but the same argument might have been used when they abolished commercial monopolies. It might have been said, that in those countries which boasted the highest civilisation, commercial monopolies existed; but that did not prevent the Legislature of this country establishing free trade. He thought that this took away a good deal of force from the argument of foreign countries as applied to patents. A Prussian gentleman had been examined before the Committee, who gave evidence as to how the system worked in his country. He had been an examiner appointed to assist in granting patents, and he said that the patent laws of Prussia worked admirably. But on the very next day a German gentleman of great scientific skill, an inventor himself, was quite indignant at the allegation of the Prussian, and pointed out many inconsistencies and many hardships arising out of the Prussian system. Any person who looked at the evidence would, however, at once see that—however well, in a country subject to such minute regulations as Prussia, the system in question might work—it was one which could not possibly be adopted in this country. The noble Lord then proceeded to refer to the evidence of Mr. Hodges, with reference to the unsatisfactory working of the patent laws in America, and to the evidence of other witnesses with reference to the Continent. Any person who examined the evidence attentively would perceive that the system in question might do in a country subject to minute regulations, but was inapplicable to a country like England. Their Lordships would pardon him for having entered into a somewhat minute detail on this occasion. He felt that in the course which he pursued, he had laid himself open to the imputation of inconsistency, and almost to the charge of a want of duty: considering that he was Chairman of the Committee who had the charge of the Bill, it would appear that he had no right now to oppose it. He wished to set himself right before the House upon this point. He had stated that against the hundred witnesses who would come forward in favour of the patent laws, very few would be found to oppose them. But although they were very few, he thought that they were gentlemen of such authority that much weight ought to attach to their opinions. It might also be interesting to their Lordships to know that the result of the experience acquired by the present Vice-Chancellor and Lord Chief Justice of the Queen's Bench, had raised grave doubts in their minds as to whether a law of patents was advantageous. The Chief Justice of the Common Pleas likewise had written him a letter, which he authorised him to make what public use of he pleased, declaring his concurrence in his (Earl Granville's) opinion, that a law of patents was neither advantageous to inventors nor useful to the public. If, then, his opinions on the subject were erroneous, it was some consolation to know that he erred in such distinguished company. His opinion, he was aware, was not the popular one. Poll the country, and the mass would be found favourable to giving patent rights to inventors; but the great mass of the people had never considered the question, and naturally adopted the views of patentees, who were biassed by what they erroneously conceived to be conducive to their own interest. The only persons, he believed, who derived any advantage from the patent laws, were members of the legal profession. Except, perhaps, cases of warranty of horses, there was no subject which offered so many opportunities for sharp practice as the law of patents. As regarded scientific men, too, the practice of summoning them as witnesses on trials respecting patents had an injurious, if not a demoralising effect, for scientific men, when called into court, naturally wished to avoid saying anything that would be injurious to clients who had called and paid them; and, influenced by this feeling, they sometimes allowed themselves to be betrayed into giving a more favourable opinion of the merits of an invention than was strictly accurate. At the same time, whatever might be his opinion respecting patent laws in general, he would be wanting in his duty if he abstained from endeavouring, under existing circumstances, to improve the present law, which everybody admitted to be bad. The clauses in the Bill before the House were, as before stated, unanimously agreed to by the Committee, which directed the greatest attention to the consideration of the subject, the Members attending in considerable numbers from day to day. Before concluding, he must be permitted to do an act of justice by declaring that the Committee were much indebted to Mr. T. Webster, a barrister in great practice, who attended their meetings constantly, and aided them by his valuable suggestions. The noble Earl concluded by moving "That the House do now resolve itself into Committee on the said Bill."

LORD BROUGHAM complimented the noble Earl on his clear and able statement; though he thought that his noble Friend had, perhaps, given undue prominence to that portion of the evidence before the Committee, which supported his own view of the question; but he could assure their Lordships that those who would take the trouble to read the whole of the evidence taken by the Committee, would be more than compensated for their labour by the mass of instruction and amusement they would find there. It must be admitted that the great mass of independent evidence was in favour of some system—it was not stated what—of patent law. He would not say that he had changed the opinion he originally held on the general question; but he was not ashamed to acknowledge, that after hearing the evidence of many skilled and knowing witnesses in the Committee, that opinion was shaken. At present it was unnecessary for him to go further than that; but he was clearly and decidedly of opinion that whatever might ultimately be the result of the inquiry, which was only begun—for his noble Friend, in his able and lucid speech, had avowed that what had been done was only intended as a beginning—their Lordships were not at present in a position to justify them in making any general alteration of the law. He would avail himself of that opportunity of correcting an error which seemed to prevail very extensively. Letters reached him by scores from persons complaining that he had abandoned his Bill about patents, which they were wont to characterise in laudatory terms as an important and useful measure. Now, his noble Friend knew that he had not abandoned his Bill, any more than he (Earl Granville) had abandoned his. Both Bills were referred to the Committee, and the principal provisions of each—with some important additions suggested in the Committee—had been mixed up and amalgamated, as it were, in the measure before the House. In conclusion, he would observe that if Parliament should determine on rejecting the Bill—which was a solid and substantial improvement—and leaving the law unamended, he would be inclined to go the whole length of his noble Friend.

EARL GRANVILLE considered that the fact of being obliged to pay so dearly for a patent right was an objection to the law. He did not see why they should not have patents as cheap as any other article.

LORD BROUGHAM doubted, if the existing patent law was to continue, whether he would not go the full length shadowed so clearly forth by the noble Lord. It was because he considered the present measure such a great practical improvement upon the law that he so earnestly supported it.

The DUKE of ARGYLL said, he had received a petition from the sugar refiners of Bristol against the measure. They complained that, under its provisions, the colonial sugar refiners would be able to take advantage of the patent processes, which they paid so dearly for, at no expense whatever. He was strongly in favour of the patent laws, and the principle of encouraging scientific men to turn their minds to invention and improvement. The principle of the steam hammer, which had worked such enormous good by its application, was nothing else than the piston of the steam engine turned upside town; but would any man deny, or was it reasonable to suppose, that Mr. Nasmyth was not entitled to some pecuniary interest in his invention, which had wrought such great and important results in the manufactories of this country? He held there was no distinction between the case of a man who invented a useful machine, and a man who published beautiful ideas; both were equally entitled to reward. The whole of the manufacturing interest had the benefit of a useful and meritorious invention, and it was only right that they should pay for it.

The EARL of HARROWBY, in a few observations, was understood to take the same view as the noble Duke who had preceded him, and to argue that, unless prevented by the operation of a patent law, the colonial refiner would be enabled to avail himself of every new invention in the manufacture of sugar, to the prejudice of the home refiner, who would have to pay for the patent right.

LORD CAMPBELL, having been nine years a law officer of the Crown, had some experience as regarded the question at issue, and he begged to say that he entirely approved of the views of his noble Friend (Earl Granville). His object in rising was to point out some of the absurdities of the present law, and the pecuniary disadvantages it entailed upon the inventor. When a patent was infringed, the first step to be taken must be an application for an injunction in a court of equity. The Lord Chancellor, the Vice-Chancellor, or whoever granted it, sent the applicant into a court of law, in order to establish his legal right. Having succeeded there, he is referred back again to a court of equity. The patentee was thus obliged to have two sets of counsel at an enormous expense. He believed that the Lord Chancellor or the Master of the Rolls would be able to decide the validity of a patent without referring it to a court of common law; and he knew no reason why the Common Law Judges could not grant an injunction while the suit was depending. He thought that by such an arrangement they would confer a great boon upon all parties. The law expenses of Watt, for the first fourteen years after his invention of the steam-engine, exceeded all his profits. He trusted, before the Bill left the House, the suggestions which he threw out would receive consideration. He hoped the day would come when one tribunal would be able to entertain and decide all such questions. It was the greatest nonsense in the world to talk of abolishing the Court of Chancery. There must be ever such a tribunal under some name or another, to hear and determine fiduciary cases, which a Court of Common Law could not deal with.

EARL GREY admitted, that in proposing that the operation of the patent laws should not extend to the Colonies, some hardships were inflicted on the sugar refiners in this country. But the question was, whether, if the Colonies were not omitted, greater injustices might not be committed towards other parties, and whether the objections which the petitioners took to this part of the Bill did not go further, and tend to support the general views of the noble Earl who had charge of the measure—views in which he confessed himself to concur. He, however, also coincided with him in thinking that, in the present state of public opinion, it was not expedient to act upon those views, but that they should rather content themselves with improving the condition and state of the present laws. The noble Earl (the Earl of Harrowby) had stated that there would be great hardships and great injustice in forcing the sugar refiners of this country to pay dearer for their implements of manufacture than their fellow subjects in the Colonies. On the other hand, it would be a far greater disadvantage that the planter in our Colonies should be exposed to an unequal competition with the planters of Cuba and Brazil, who would obtain possession of these patent processes at no expense whatever. The grievance complained of had arisen out of the present state of the patent laws. It appeared that in the manufacture of sugar, to which great attention had been directed, it had been found that by the application of centrifugal force the sugar might be very easily and rapidly dried. The principle was as old as from the time a housemaid twirled her mop in order to dry it. Several parties claimed the merit of the invention; after much litigation they combined their interests, and sold it to a single company. The result was, that for the machine which the English planters in Guiana or in Trinidad paid 100*l.*, that the planter in Cuba or Brazil, and the refiner in Belgium, only paid 60*l.* Now, this was a very great grievance. The principle, as he said, was old; but while the British planter was excluded from adopting even a modification of it, the Cuba or Brazil planter could make use of it, and find it extremely valuable. However, he did not think that the British refiners would suffer any great disadvantage. Refining, properly so called, from obvious reasons, would always be carried on at home; but it was necessary that the colonial planters should have the facility of sending home their produce in as advanced a state as possible. It was this consideration which induced Her Majesty's Government to propose that in future patents should not extend to the Colonies.

On Question, *agreed to:* House in Committee accordingly: Bill *reported* without Amendment.

Amendments made. Bill to be read 3ª on *Thursday* next.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, July 1, 1851.

MINUTES.] PUBLIC BILLS.—1° Mercantile Marine Act Amendment; Public Works (Ireland); Public Works, Fisheries, &c.; Salmon Fisheries (Scotland); Arrest of Absconding Debtors; Law of Evidence Amendment.
2° School Sites Acts Amendment.

COUNTY COURTS FURTHER EXTENSION BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

Clause 1.

MR. FITZROY proposed an Amendment to the effect that the several Judges of the County Courts in their respective districts, and the Commissioners of the Court of Bankruptcy, and officers of the said courts respectively, should for the purposes of this Act be officers and assistants of the Court of Chancery.

SIR GEORGE GREY said, that the Clause as it stood invested the Lord Chancellor with the power of making a selection of the Judges of the County Courts for the purpose of the Act; but the effect of the Amendment would be to set aside that discretion; he could not consent to such a proposal.

MR. FITZROY said, his Amendment simply went to make it competent for the Judges named in it to undertake the business to which the measure related, and still left to the Lord Chancellor the power of sending or of not sending such business before any particular Judge.

Amendment *negatived.*

MR. G. A. HAMILTON moved additions to the Clause, with the view of extending its operation to Ireland. He intended to move alterations in other parts of the Bill, to effect the same object.

SIR GEORGE GREY said, the present Bill had been drawn up specially to amend and extend the provisions of Acts relating to the County Courts in England, and as the measure had no reference whatever to Ireland, he trusted the Amendment would not be pressed.

Amendment *withdrawn.*

Clause *agreed to;* as were Clauses 2 and 3.

Clause 4.

MR. HENLEY complained that the Bill afforded no security that the business would be transacted in these courts in a manner more conducive to the public interest than was at present done in the Masters' Offices. The County Courts, he willingly admitted, were excellent institutions in themselves; but when the Bill did not contain any compulsory provision for the transaction of the business in public, he was afraid that the object of securing its transaction in a satisfactory manner would not be accomplished.

The SOLICITOR GENERAL admitted that there was no direct provision in the Bill for securing the transaction of the business in public. The hon. Gentleman (Mr. Henley) must be aware that a Commission was sitting for the purpose of revising the whole of these matters, and the state of the Masters' Offices would occupy no small portion of their consideration. The scheme of the Bill was to enable the Lord Chancellor to carry out inquiries in the country in the same way as they were carried out in town, and subject to all the improvements which before another Session passed, would, he expected, be adopted in reference to inquiries in town. With respect to the transaction of the business in public, there might be inconvenience in making a general rule to that effect, as there was occasionally business transacted, such as that relating to infants' estates and the appointment of guardians, in which the public generally had not the slightest interest, and the public transaction of which might not be productive of advantage. With respect to the whole subject, the Lord Chancellor was most anxious that it should be taken up by the Commissioners, with the intention of fully carrying out equity reform.

Mr. MULLINGS said, that much benefit might accrue from a reference of all matters in dispute to the Judge of the County Court, who could take evidence and have the books and the parties before him. At present, however, the Judge could not ask any question which was not in the interrogatories. A more unsatisfactory method of administering justice than this could not well be imagined. He believed it would be impossible to have justice properly administered in the County Courts if the Judges were not empowered to examine witnesses and have the parties before them. He hoped there would be some correction of this evil. The Master's Office, as far as the taking of accounts was concerned, was the greatest curse in the country.

The SOLICITOR GENERAL was aware that there were evils connected with the Masters' Offices, but they were endeavouring to remedy these as best they could. No longer ago than Monday last he had laid on the table of the House an improved set of rules for the Court of the County Palatine of Lancaster. Those rules were framed by the Earl of Carlisle, with the sanction of Vice-Chancellor Knight Bruce, and authorised the examination of parties and witnesses orally when thought proper. With regard to the examination of parties and their books, the hon. Member (Mr. Mullings) must be aware that every decree of the Court of Chancery provided for the production of books. The Bill now under consideration gave the Lord Chancellor the power to direct the examination of witnesses orally, and also to direct the parties to attend with counsel or attorney, or by themselves, and to examine *vivâ voce*, and have the whole case taken down by the County Court Judge.

Mr. HENLEY said, they had some five or six nuisances in the shape of Masters' Offices at present in London, and were about to create fifty or sixty for the country at an expense of some 30,000*l.* a year, without taking any guarantee that the business in them would be any better conducted. They took power by the Bill to increase the expenditure of County Court Judges, and how many more they would create he could not say. He was alarmed the other night when the hon. and learned Member for Aylesbury (Mr. Bethell) indicated no other amendment in the Court of Chancery besides handing over this business to the County Court Judges. He strongly objected to the powers in the Bill being only permissive, and not compulsory. He did not object to the County Court Judges, for they were a very praiseworthy body of men; but they had often seen Judges go wrong. The business was to be done in these courts exactly as in the Masters' Offices, and they were by this Bill giving a species of Parliamentary sanction to those abuses which had been so long complained of. They all knew that if any man living went into the Masters' Offices, he could not expect to get out again.

Mr. E. B. DENISON said, the hon. Member for Oxfordshire (Mr. Henley) had made a great many complaints, and the only suggestion he had offered was that the proceedings should take place in public. The adoption of that suggestion would, however, lead to considerable evil. The hon. Member might see the difficulty there was in introducing reforms on such a subject, and ought to be aware that it was best to proceed cautiously. Was it fair to say they were introducing sixty nuisances over the country in place of six in London?

MR. HENLEY had not attempted to introduce any amendment, but he had certainly said that there was nothing in the Bill to secure a better state of matters in future. Its powers were wholly permissive. It was the duty of Government to introduce a proper and satisfactory measure.

Clause *agreed to;* as were Clauses 5 to 8. Clause 9 was struck out.

Clause 10.

SIR GEORGE GREY moved an Amendment, providing that the County Court Judges should not receive fees.

MR. FITZROY objected to the manner in which they were treating the County Court Judges. They were throwing on them extra business, without providing them with adequate remuneration, thus rendering the offices such as men of ability would not retain. They had dealt quite in a different way with the Commissioners in bankruptcy. When the insolvency business had devolved on them, they had received an additional 500*l.* of salary for it. The business, however, had shortly afterwards been taken away from them, but they had been allowed to retain the additional salary. They had then thrown the business on the County Court Judges, and had not given them any extra remuneration, but had on the contrary taken 200*l.* a year from them. He could not but notice here the attack which had lately been made on the County Court Judges by a personage high in authority in another place. That attack had been of the most disgraceful character, considering that the party who made it had the appointment of the County Court Judges. It seemed that they were determined to disgust these men with their offices. A barrister of seven or ten years' practice would not take these offices if they limited the remuneration to 1,000*l.* a year. He protested against their dealing with gentlemen in so illiberal a spirit.

SIR GEORGE GREY said, the hon. and gallant Member assumed that the Bill proposed to throw additional labour upon the Judges of the County Courts without giving them any additional remuneration; but such was not the fact. The Bill proposed to give them additional remuneration, which the Government had the power to award to them, if necessary. The 20th clause, as it came down from the other House, proposed that the Lord Chancellor should have the power of fixing the salaries, with the consent of the Treasury; but it was not thought right that this power should be given to the Lord Chancellor alone, by whom these gentlemen were appointed. The Bill substituted a maximum of 1,500*l.* for one of 1,200*l.* for the Judges, and an increase for clerks in the same proportion. This proposal, however, to increase the maximum where necessary was not to be understood as holding out any approximation to a pledge or promise on the part of the Government that this maximum should be reached. The time of many of these Judges was not fully occupied, and it was, therefore, necessary to make a distinction. In taking power to increase the salaries, therefore, he was not giving the Judge the right to claim the increase.

Clause *agreed to;* as were the remainder of the Clauses.

MR. VERNON SMITH hoped that the Bill would be reprinted. He had been listening to what had been going on for the last half-hour, and he had not the slightest conception what clauses were in the Bill, and what had been struck out.

MR. MULLINGS said, he had a clause to propose which he trusted the Committee would agree to. The County Court Judges were at present obliged to sit every month during the year, and he proposed to allow them a month, during which they would be released from their duties. He begged to propose—

"That it shall be lawful for the Judge of any County Court, upon one calendar month's previous notice thereof, to be affixed in the office of such court, to direct, that for the space of one calendar month, to commence not earlier than the 10th day of August, and to terminate not later than the 24th day of October in any year, the office of such court shall be open for receiving money and issuing executions only."

SIR GEORGE GREY did not see the necessity of such a clause, considering that the County Court Judges had the power of appointing a deputy, and there were always plenty of qualified deputies to be found. If the courts were shut up for a month during the course of the year, he was afraid it would detract materially from their value.

MR. MULLINGS said, he would withdraw the clause for the present, but he would bring up a similar clause on some future stage of the Bill.

The ATTORNEY GENERAL moved the following clause:—

"And whereas, by an Act passed in the tenth year of the reign of Her present Majesty intituled, &c., it was enacted that no person should be entitled to appear for any other party to any proceeding in any of the said courts, 'unless he be an attorney of one of Her Majesty's superior courts of record, or a barrister-at-law instructed by such attorney on behalf of the party, or by leave of the Judge, any other person allowed by the Judge to appear instead of such party; but that no barrister, attorney, or other person, except by leave of the Judge, should be entitled to be heard to argue any question as counsel for any other person in any proceeding in any court holden under that Act,' be it enacted, that the said provision shall not be deemed or construed to apply to any case within the jurisdiction given to the said courts by this present Act, or by any other Act, other than the above partly recited Act; and that in all cases in which jurisdiction is given to the said courts by the present Act, or by any other Act other than the above partly recited Act, barristers-at-law and attorneys shall have and enjoy such rights and privileges as have been hitherto used and exercised by them respectively in the superior courts of common law at Westminster."

The law as it stood at present prevented a barrister going into these courts, unless instructed by an attorney, and the consequence had been that attorneys practised in these courts as advocates, and received briefs from their brother attorneys. It would not, he thought, be considered a desirable thing that the Bar of England should be annihilated; and as there was every probability that these courts would ere long absorb the whole of the provincial business of the country, if they excluded the Bar from them, they would be inflicting a fatal blow on the Bar of England. He did not by any means wish to say any thing to the prejudice of the attorneys and solicitors, for he believed that the more respectable of them did not desire to encroach on the fair privileges of the Bar. He did not propose to alter the law as regarded the original Act in cases below 20*l.*, but in matters above that amount he proposed to place attorneys and barristers in the same position in the County Courts which they occupied in the higher courts.

Mr. FITZROY said, the proposition in its present shape had taken him by surprise, for he had understood that it was to have been modified. In its present shape he should oppose it, for however important it might be to preserve the Bar, yet it could never be allowed to stand in the way of the public interest, which was the basis upon which both the original and present Bill was founded. His object in promoting the County Courts Act was to provide cheap justice to the people, and though he had been told that in some instances attorneys had conspired to exclude the Bar from practising in these courts, he could not help thinking that there was some mistake in the matter. He had been informed that on the Oxford circuit several members of the Bar had agreed to accompany the County Court Judge, and form a regular County Court Bar: he saw no reason why the example might not be followed in other parts. He saw no reason why parties should be compelled to employ barristers, whether it was their interest to do so or not. The matter ought to be left to the discretion of the suitor.

Mr. P. H. HOWARD thought they were not quite prepared for the partial exclusion of the attorneys and solicitors, who had been pleading in these courts, which was contemplated by the clause proposed. He hoped the clause would be postponed, in order that the opinions of all parties concerned might be ascertained. Without meaning any disrespect to hon. Members opposite, he could not see why the hon. and learned Attorney General, as an advocate of free trade, should not allow the suitors to appoint solicitors or barristers as they chose. They might fairly trust to the intelligence of the public in this age of advancement.

Mr. MULLINGS said, the effect of the clause would be to give pre-audience to the barrister. Now, suppose there should be only two barristers, and that both should be retained by one of the parties, the Judge must permit an attorney to appear. The object of the hon. and learned Attorney General was to get rid of that class of attorneys who now appeared, not representing the real parties, but taking briefs from other attorneys. If he understood the clause rightly, any attorney would be allowed to plead against a barrister when really employed by a client, and not through another attorney.

Mr. J. EVANS supported the clause, but hoped the hon. and learned Attorney General would strike out the latter part of it, which otherwise would have this effect, that if only two barristers attended a County Court, they must be employed to the exclusion of everybody else.

Mr. WAKLEY said, by this clause they were introducing into these courts a totally new principle of action. He did not see why they ought to restrict the choice of suitors with reference to the larger sums, while they were allowed a larger range of choice with regard to the smaller. In these courts they could not expect to find more than three or four barristers, and whatever their talent or ignorance, parties would be compelled to make their selection from these three or four, while they might have an opportunity of selecting from hundreds of attorneys. He trusted this proposition would not receive the sanction of the Committee.

SIR GEORGE PECHELL expressed his concurrence in the sentiments of the hon. Member (Mr. Wakley), and trusted that such a clause would not on any account be agreed to.

The ATTORNEY GENERAL said, he saw great force in the observation of the hon. and learned Member for Haverfordwest (Mr. J. Evans), and was prepared to modify his clause so as to meet the suggestion of the hon. and learned Member. The only question was whether an attorney was to be allowed to intervene between a client and an advocate, and monopolise all the practice, or whether the Bar was entitled to a fair share of it.

Clause, as amended, *agreed to.*

Preamble *agreed to.*

House resumed. Bill *reported;* to be *printed* as amended.

BRITISH GUIANA.

MR. GRANTLEY BERKELEY said, he had a question to put to the hon. Gentleman the Under Secretary for the Colonies, and which he would put under three distinct heads: First, whether or not Commissioners had been appointed by Government to inquire into the state and prospects of British Guiana? Second, whether those Commissioners had made their report, and whether that report was not of a melancholy and disastrous kind as to the general condition of the colony? And, third, the report having been now for many months in the hands of the Government, and having been published in the *Morning Post* and others papers, why a report of so much importance had not been laid on the table of the House?

MR. HAWES, in answer to the first question, said several Commissioners had been appointed in British Guiana, but not by the Government, to inquire into the state and condition of the island. The Commissioners were appointed by the Combined Court, in which the Government had not a majority. They made a report of considerable length, and it was made so far back as June twelvemonth. It was printed at length in the colonial papers; and, as his hon. Friend said, was also printed in the *Morning Post.* The report came into the hands of the Government in the early part of the year, and some time since, on its being mentioned by the hon. Baronet the Member for Droitwich (Sir J. Pakington), he (Mr. Hawes) had promised that it should be produced, and it would accordingly be laid on the table in a few days, together with other papers and correspondence relating not only to British Guiana, but to the West Indies also. After the statement that had been made by the hon. Gentleman as to the condition of British Guiana, he begged to read an extract from a despatch of the Governor that was annexed to the report, and which was dated the 25th of January, 1851:—

> "At the meeting of the Combined Court of 1849, a Motion was carried for the appointment of a Committee to inquire into the state and prospects of the colony. . . . I cannot help thinking, indeed, that the Commioners themselves, anxious as they not unnaturally were to put on record, in the strongest terms, the injurious effects on their property of the imperial policy, would somewhat have modified their conclusions had the report been written at the present moment; but, as stated in the concluding paragraph, it was drawn up so far as last June back, when the signs of improvement were not so visible as, I rejoice to say, they are now universally recognised to be."

MR. GRANTLEY BERKELEY wished to know whether an Act of the Combined Court was not an act of the local Government?

MR. HAWES, in reply, said, that no doubt the act of the Combined Court might be discussed in that House; but what he wished to explain was, that instead of this Commission being a Government Commission, appointed by the Governor, and sanctioned by the Government at home, the Commission was appointed at the wish of the Combined Court.

CHURCH EXTENSION.

The MARQUESS of BLANDFORD then rose, and spoke as follows:—Sir, I rise to propose the question of which I have given notice, and I need not say that I feel it is encompassed with numberless difficulties. First among these I may place my own inexperience in matters of this nature, both as regards the question itself, and as regards the manner in which it may best be laid before the attention of the House. With regard to the question itself, whatever amount of research may have been made into a subject so prolific, enough remains yet to be discovered; so that years would scarcely suffice to obtain an accurate knowledge of all the powers of our ecclesiastical system, and as regards the manner in which it may best be brought under the attention of this House. It is enough to feel the deep importance of this subject to be filled with a trembling anxiety lest one's own inadequacy to the task one has proposed to one's self should only mar an object which ought to be upon the hearts of all good men, and have a leading place in their desires and aspirations. These, Sir, are some of the principal difficulties that meet one in one's outset; and as far as they are concerned, they are personal ones. But, Sir, I feel that there are others, and not less weighty ones —those which arise from the varied opinions of men upon these subjects. Could we, Sir, obtain a united feeling upon this point, we might joyfully contemplate the great stride that might be made in an onward direction—could we, Sir, with a unanimous vote of this House, agree at once upon a course that would give increased efficiency to our National Establishment—one calculated by great and mighty effort to supply adequate means of instruction to thousands of our perishing fellow-countrymen, it would indeed, Sir, be a grateful task to endeavour to bring forward such a proposition, and to feel that it would have the power of authority and the permanence of law. But, Sir, taking the fact as we find it, it is not so; the interest which is shown in ecclesiastical affairs is not great, and what there is is sadly interrupted by party interest and divided feelings. Fears on the one hand, of giving undue power to the ecclesiastical body, and jealousies on the other, arising from alienated interests, have not only, I venture to affirm, placed a terrible hindrance in the way of Church extension, but they have also, by permitting us to see what she is under certain disadvantages, proved the justice of those laws and the strength of that Establishment which our ancestors purchased with their lives, endowed in consequence by their piety, and secured by their collective wisdom. Sir, in endeavouring to treat upon this question, I will not place it upon no better basis than my own bare opinion. I have here extracted a small portion from a speech of the late Sir Robert Peel, which I have happiness in quoting upon the present occasion, and will read it, with the permission of the House, as it expresses in his own language the idea which I am now endeavouring, though feebly, to enlarge upon, and which may be the type of opinions than which a better ornament cannot attach to a public man:—

The Marquess of Blandford

> "Above all, the advantage that I anticipate is that by this proceeding I shall place the Church of England in a favourable light before the people of this country, and conciliate towards it that favour and affection to which I believe it to be so justly entitled, and lay the foundations of extended usefulness. These foundations must be widened. It is in vain that you have splendid cathedrals and bishops highly endowed—in vain you have dignitaries and splendid edifices, if you fail to impress upon the people the conviction that great practical advantages are to be derived from them —unless in populous districts you bring the ministrations of the Church within the reach of the people it is in vain that you support its dignitaries, for the polished columns of the temple will not be secure unless you widen the basis on which they rest. Here is the point in which the Church of England is wanting at present; her parochial constitution was made in other times, and suited to other states of the people. You must divide parishes and bring ministers into them, and you will add at once to the respectability, to the influence, to the prosperity of the Church by applying her present property to strengthen her position and increase her influence."

Well then, Sir, it is upon this foundation, and keeping this point in view, that I am desirous of proceeding. I shall ask the House to be indulgent to my inexperience. I will endeavour, to commend what I have to advance, to find concurrent testimonies for its practicability and support. I would rather seek to disarm opposition than cope with it when raised, feeling most deeply that more or less remotely we are all interested in the success of these measures; and, above all, I would follow the rule laid down by that exalted statesman, that it is to our parochial constitution, which was made in other times, and suited to other states of the people, and where the Church of England is principally defective, that we should at once direct our attention. Sir, an Address has been presented to Her Majesty, which is the subject of my present remarks, and is one which generally embodies this very thing; it presents us with statements founded upon those two reports of Commissioners appointed by Her Majesty for inquiring into episcopal and capitular revenues, and for the practicability of the subdivision of parishes; these, Sir, are most useful reports, to which I am very glad to draw the attention of the House; for, occurring nearly as they do together, they seem admirably adapted one to the other, for, while one discloses the evil, the other points out the remedy. It is not my purpose to interfere with or allude to any express measure which may spring from those reports; but, Sir, I do wish to draw the attention of the House and of Her Majesty's Government to incidental passages which they contain. I do hope to find that this House does not confine itself only to the consideration, though very necessary, of a solitary measure, but is willing, upon receiving the evidence of those passages as to the existence of a great and pressing want, to record an opinion favourable to and most necessary for its removal. Sir, the address to which I allude has received the signature of, and contains the prayer of, some of the highest in the land. It might have been easy to have obtained an overwhelming number of signatures, but it was considered best to restrict them to Peers spiritual and temporal and Members of Parliament. They, Sir, I believe, represent the feelings and opinions of thousands of thousands of Her Majesty's subjects; and I rejoice in the acknowledgment that those connected with a Legislative Assembly are thus content to make—that the time has arrived when, in the capacity of private individuals, they are resolved to lay the wants of the people at the feet of Her who in this country is the fountain of worldly honour, ecclesiastical as well as civil. Well, Sir, taking the foundation that has been laid down by Sir Robert Peel—namely, the parochial system—I am desirous of grounding the remarks which I have to make to the House upon this basis, and I will endeavour to enlarge as well as I can upon the topics adverted to in this Address, which may best be done by considering—first, the great and pressing want that exists; secondly, the means that are readiest at hand for supplying it; and thirdly, the desire on the part of the people that it should be supplied. I must necessarily enter somewhat into detail and statistics; I trust I shall not weary the House, and I shall confine myself to those points which are most illustrative of the different points. Now, Sir, with regard to the first point, either there is a want, or there is not; if there is not, we have spoken in vain; but if there be, how weighty is the responsibility which rests with the Legislature of removing the obstacles which still impede the free and extended operation of the Established Church in all her pastoral capacities. I read in the Address—

> "It has been ascertained by Your Majesty's Commissioners appointed to inquire into the practicability and mode of subdividing all densely-peopled parishes in England and Wales, that there is a pressing demand for the creation of 600 new churches, which should in most cases have parishes assigned to them, and these of course involve the appointment of one clergyman at least to each; 600 additional churches, therefore, with as many clergymen attached to them, is the first great want towards rendering effective our parochial system."

Now, Sir, in the year 1843, Sir Robert Peel based principally the arguments upon which he founded his measure upon this passage from the Second Report of Her Majesty's Commissioners appointed to consider into the state of the Established Church:—

> "The evils which flow from this deficiency in the means of religious instruction and pastoral superintendence, greatly outweigh all other inconveniences resulting from any defects or anomalies in our ecclesiastical institutions; and it unfortunately happens that while these evils are the most urgent of all, and most require the application of an effectual remedy, they are precisely those for which a remedy can least easily be found."

In order to remedy in some measure these evils Sir Robert Peel brought forward his scheme, and I shall be prepared to show, Sir, how much yet remains to be accomplished. It will be a subsequent part of my subject to advert to those means which now appear to be available. At present I will turn to the fact, I believe admitted on all sides, of great spiritual destitution. Since the year 1843 much has undoubtedly been done; up to the last report of the Ecclesiastical Commissioners, 228 districts have been constituted, and a large number of churches have been built and enlarged by the Church Building Society. I see from a return which I hold in my hand that the cost of works in which that society has been engaged amounts to 1,246,308*l.* Since the year 1840 the Curates' Aid Society has been engaged in operations to the amount of 179,652*l.* The Church Pastoral Aid Society has not been backward either. This society now aids 319 incumbents with grants to provide stipends for 294 clergymen, 96 lay assistants to labour among an aggregate population of 2,295,284, or on an average above 7,000 souls to each incumbent, the average amount of whose incomes is only 200*l.*, and 173 of them without parsonage houses. Such, Sir, are some of the private efforts that have been made, but we have yet much before us. I have here a selection of some few places out of many, showing how urgent is the need that still exists for increased church accommodation. In St.

Anne's, Limehouse, there is a population of 25,121, with church accommodation for 2,000, or one-twelfth; in St. John's, Waterloo-road, a population of 30,000, with accommodation for 3,560, or one-ninth; in St. Martin's, Birmingham, a population of 45,000 has only church accommodation for 3,900, or one-eleventh; St. George's, Southwark, 50,000, with accommodation for 4,650, or one-eleventh; St. Giles, Durham, with a population of 5,000, has only accommodation for 300, or one-sixteenth ; Middlesborough, with 10,000, accommodation for 600, or one-sixteenth; Salton in Ashfield, population 6,863, with accommodation for 500, or one-fourteenth; Swansea, a population of 30,000, accommodation for 2,500, or one-twelfth. These are a few instances which it may be well to specify; but, Sir, here is also a list of 131 places or parishes in different dioceses of England and Wales, containing an aggregate population of 3,972,852, from which, deducting about 450,000 for Nonconformists, we find that there are 543 churches to supply a population of 3,522,852 souls; or allowing, on a very liberal calculation, that one church is sufficient for 3,000 souls, we should have 1,893,852 immortal beings with neither encouragement nor opportunity for entering the house of God. Again, Sir, when we come to test the efficiency of our parochial system, as far as pastors are concerned, I shall be prepared to show how inadequate is their number to the population among whom they dwell. Now, Sir, it is generally admitted by those best conversant with a minister's duties, that a charge of 2,000 persons is as many as he can effectually attend to. Well, Sir, in thirteen great parishes of the metropolis, all of them with a population above 10,000 souls, and some of them four times that amount, containing an aggregate population of 762,383 souls, we find a body of 141 clergy, leaving a deficiency of 240, or 480,000 souls nearly uncared for in thirteen great parishes of London alone. How far this same deficiency extends generally throughout all our large towns may be inferred from these facts—that in the parish of Manchester, on the same calculation, there is a deficiency of 52 pastors; Liverpool, 93; Leeds, 29; Sheffield, 21; Wolverhampton, 22; Bristol, 27; Birmingham, 52; Newcastle, 23. So that we may say there is not one populous place in this great country where, if we will only take the trouble of comparing the number of churches and pastors with the amount of the population, we shall not find the same alarming deficiency. And, Sir, when we remember the great things that have been done towards meeting the demands of our increasing population, both by Government and private societies—when we take into consideration what was the population of these places in 1801—that church accommodation and pastoral care were then inadequate, and that the increase of population has far outstript all the increased extension of our parochial system—then, Sir, we may indeed assent to the proposition of the late Sir Robert Peel, that that system, as it existed in 1843, was suited to other times and other states of the people, and was that point in which the Church of England was principally defective. I next, Sir, read in this Address this paragraph:—

> "The overwhelming duties which now devolve upon some of the bishops, owing to the enlarged population, and the happy circumstance of an increase also in the number of clergy, appear to make it desirable that there should be a corresponding increase of the episcopate, and if your Majesty, in your wisdom, should see fit to recommend such a measure, the revenue and residence of the deanery in some places might be made available where fitting circumstances concur."

It appears to me, Sir, that there has scarcely been one subject upon which greater misapprehensions have existed than upon this in the minds of those who are at all adverse to the proposition. I will not, however, now enter upon that point, but I will endeavour to prove how much an increase in the episcopate is really needed in order to place the Church of England upon an efficient basis; and, first, Sir, must be placed that great and incontrovertible fact, that with a population of four times the amount of that which existed at the time of the Reformation, and with a number of clergy that have borne some proportion to that increase, the number of bishops, to all intents and purposes, remains the same. The present number of clergy would give, on an average, upwards of 500 to every bishop, while some of the larger sees average 800, and one upwards of 1,000. It has been very well remarked, Sir, that the bishop is of course liable to receive and answer communications from every one of his clergy; to be added to this, the secularities of his diocesan duties may be said to absorb very nearly the spiritual character of his office. Let us follow him to London, and we shall find him in his seat in Parliament; at the board of the Ecclesiastical Commissioners; at that of Queen Anne's

Bounty; at that of the Church Building Commission, solicited on every side by private societies for his presence and support; there is a demand upon his time, and his thoughts for business and labour, which no human strength could adequately supply. Now, Sir, there are two points adverted to in the First Report of Her Majesty's Commissioners appointed to inquire into the state of the Established Church as things to be considered in estimating the condition of dioceses; one is, the inequality which exists between different dioceses, which is always increasing, through the immense and partial growth of the population. Another is in these words:—

> "The extent of the episcopal duties, while it increases in some degree with the population, is also materially affected by the number and distances of benefices within each diocese."

Bearing this in mind in order to form an estimate of the charge which is imposed upon some of the bishops, let us take the Bishop of Winchester's diocese, comprising, with the Channel Islands, a population of 937,682; clergy, 824; benefices, 631; and area, 1,493,030 acres. The Bishop of Exeter—population, 874,739; clergy, 853; benefices, 652; area, 2,491,220 acres. Norwich—population, 727,737; clergy, 1,105; benefices, 911; area, 2,211,060 acres. Lincoln—population, 612,512; clergy, 865; benefices, 793; area, 2,189,650 acres. Lichfield—population, 782,721; clergy, 764; benefices, 618; area, 1,399,470 acres. It would be very easy, Sir, to proceed to a similar comparison with all the dioceses. These are some of the most striking instances, and appear most amply to bear out the two points alluded to by the Church Commissioners—viz., the amount of population, partly to be attributed to rapid increase, and partly to their immense extent, and also the number and distance of the benefices. It would be easy, Sir, to enlarge upon the increased blessings which are found practically to result from any increase in an episcopate, narrowing their separate operations and enlarging their united action. These effects, Sir, must always bear a relation to the wants and peculiarities of each locality. In the colonies it is found to result in a greatly increased number of clergy; in this country we should feel it, doubtless, in a far higher degree. This may be exemplified by a statement which has been put into my hand, showing what has been done in the diocese of Ripon since it was separated from York. The statement proceeds to say—

> "Showing an increase of about 100 additional churches and chapels, 130 additional clergymen, and 55 additional parsonage houses, in about 14 years; there have been also 13 churches entirely rebuilt from the ground, with such an alteration of sites as to require fresh consecration. Among these are the parish churches of Leeds and Keighley. The additional accommodation secured by rebuilding these 13 churches exceeds 4,000 sittings, and may be reckoned equal to three new churches. I have no calculation of the additional sittings secured by enlargement of existing churches, where fresh consecration has not been required, but I have clearly ascertained that the general increase of church accommodation in the diocese more than meets the increase of population, and is to a slight degree gaining upon the arrears existing when the diocese was formed. These results are attributable to the establishment, in the year 1838, of the Ripon Diocesan Church Building Society, which has spent from its own funds in aid of the building and endowment of churches and the erection of parsonage houses, more than 50,000*l.* to meet a total outlay of 300,000*l.*, provided partly by grants from other societies, but principally from private contributions. This is exclusive of at least 90,000*l.* more spent in the erection, and in some cases endowment also, of 17 churches and chapels, solely at the cost of private individuals or of mercantile firms. I have no accurate calculation of the additional facilities for the education of the poor in the dioceses since 1836; but from an estimate which I made in 1847, and which I published in my charge of that year, it appeared that during the previous ten years we were gaining, in this department also, on the increase of population in the dioceses, and I do not doubt that the same is still true. The secretary of the National Society informs me that the grants since 1836 to the diocese of Ripon, for school purposes, have been 24,335*l.*; the outlay connected with this must have amounted to considerably above 100,000*l.* Whence it appears that since the year 1836 there has been expended for Church purposes in the diocese of Ripon a sum not far short of 600,000*l.*"

But above all, it would be felt by the clergy themselves. The class of bishops which I should like to see introduced into the Church need not be possessed of any seat in the Legislature; it must be necessary that the ecclesiastical body should be represented by some of the bishops in Parliament, but it need not be by all; and were this increase thus effected, we might then hope to see the ancient type of a bishop in the Church, a pastor among pastors, *primus inter pares*, one who by constant communication and residence among his clergy might diffuse over them the same blessings which they diffused over their flocks. I very well remember, Sir, the eloquent description given of a bishop by my hon. Friend the Member for Cockermouth. He said—

> "In the earlier days of the Church the bishop's dwelling was in the cathedral city: there did he live, the centre of the religious life around him—the leaders of the Christian religion, the depositaries of the fire, the faith, the fervour that animated men warring through this world to an eternity which it was their commission to preach. The history of those from whom the office had come down, was familiar to them all. Their images were painted in colours that could never fade—their ardent enthusiasm, their unshrinking self-sacrifice, their heroic endurance of every toil and every suffering, and their utter forgetfulness of worldly interest, and worldly advancement, and worldly good of every kind, when compared with the magnitude of those higher interests to which their whole soul owed devotion."

In this description, Sir, we must all most fully concur. This alone can raise the usefulness of the episcopate—this alone can be effected by increasing their numbers. The effect of that increase would not be, as has been supposed by some, to increase the dimensions of a body, at the same time giving it no different characteristic from that which, through adverse circumstances, has rendered some of its offices now too secular: but the effect of it would be this, as has been described by Bishop Latimer, whose words were quoted by the Bishop of Oxford:—

> "Did they remember," said he, "the sentiments of Latimer, that honest-hearted man, who spoke, in his strong Saxon dialect, words to which all England as one man responded? That venerated man said that the bishops by their fewness were raised to such a height above the people as had deprived them of the power of exercising those functions which were inherent in their office; and the first measure of reform which ought to be carried was one for giving a great increase to the number of those bishops."

Well then, Sir, this increase might be effected with very little alteration in the existing arrangements. It might be effected by making the dean's income available for the new bishopric. In some instances the dean might be made both dean and bishop; and in others, as the deaneries become vacant, their income might be taken for the new bishopric, making the existing bishop dean in his own cathedral city. We might then hope to see a class of bishops who might be chosen by the Minister not for any political considerations, but for those far higher qualifications—for practical experience and known efficiency, for sympathies obtained by long intercourse among the various classes of the population. And let me remark, Sir, in passing, that it would be an object well worthy of the contemplation of this House, if, with growing churches and increasing congregations, and resources capable of an increase—little, perhaps, imagined by some—we might also see the episcopate thus developing itself, and testifying, with every other extended branch of our parochial system, to the faith and to the wisdom of a Legislature which felt how much its own security was united to, and associated with, the prosperity of the Established Church. I now come to the second part to which I proposed to draw the attention of the House—namely, the means which appear most available towards supplying in some degree the spiritual wants of the people. I have already stated that the first step towards this appears to be the building of 600 new churches. It is calculated in the Second Report of Her Majesty's Commissioners for the subdivision of parishes, that these churches should cost a gross sum of 2,100,000*l.*, but that if 1,000,000*l.* could be placed at the disposal of the Church Building Commissioners, the rest might be raised from private liberality. The Address to the Crown thus alludes to the means that are proposed for obtaining that sum:—

> "In the first place, it is proposed that the patronage of a portion of the benefices in the gift of the Lord High Chancellor of England should be resigned in favour of the proposed new parishes, and the value of the advowsons applied in successive years to the erection of churches."

Now, Sir, Her Majesty's Commissioners, in the progress of their inquiry, seem to have had their attention directed to these livings owing to the facilities that some of them offered for making new arrangements for their increased endowment, facilities which did not exist in cases of private patronage. It appears from the report that these livings amount in all to 777; of these 330 were under 200*l.* a year. They therefore propose that these should be sold, and the purchase-money, or so much of it as would suffice to raise their annual value to 200*l.*, should be applied to that purpose. Of the remaining 447 they suggest that a sufficient number should be disposed of by private tender as would produce a sum which united with private contributions would insure the erection of 600 new churches. That sum, Sir, as I before stated, is estimated at rather more than 1,000,000*l.*; and the Commissioners proceed to state:—

> "If the annual income of the 777 benefices be estimated at 200,000*l.*, and the value of the advowsons at from seven to ten years' purchase of the net value, after making the deductions necessary to such a calculation, the sum ultimately

raised, were all the advowsons to be sold, would probably be more than sufficient for both the objects in contemplation—namely, the augmentation of the smaller benefices, and the erection of 600 new churches; our proposal, therefore, does not necessarily alienate from the Great Seal all the church patronage now by law attached to it, but it is perfectly compatible with the reservation to the Lord Chancellor, if it is thought fit, of a certain amount of Church patronage."

The origin of so large a portion of patronage being vested in the Lord Chancellor appears to have been derived from the time when that office was held by an ecclesiastic, and these livings were entrusted to the Lord Chancellor for the purpose of rewarding the clerks in Chancery; and the Commissioners appropriately remark—

> "This state of things having entirely passed away, there is no reason, as far as the origin of the custom is concerned, for its retention, and we think it well worthy of consideration whether any other reasons exist for its continuance sufficient to counterbalance the great advantages which, as it appears to us, may be gained by the adoption of the proposition which we submit to Your Majesty."

I have thus, Sir, endeavoured as concisely as possible to point out the recommendations which have been made by Her Majesty's Commissioners; and I am well aware that objections have been raised to them. It has been stated that to part with such a large portion of ecclesiastical patronage would lessen the influence of the Crown in the Church, and weaken its union with the State. To this I reply, that if I at all anticipated such a result, I should be the last person to propose this measure. I do not, however, anticipate that this need be feared. To place these livings in episcopal patronage might be one thing, but to offer them to laymen would be to give them to that patronage which is admitted generally to be the best that is administered; and I think that it would materially, though indirectly, maintain both the influence of the Crown and State. But if a more direct influence were required, I believe that a very large compensation would be found to exist if the Crown would erect a number of new sees, according to my previous suggestion, which would be an unspeakable advantage to the working of the parochial system, and would prove a new and permanent source of union and dependence between the Crown and the ecclesiastical community. Another objection is, that they might fall into improper hands; and I answer that, except where the patronage would be vested in an undying body, no stress could be laid upon this argument; for I need scarcely point out that no calculation could be made beyond the existing generation of patrons. Seldom are the successors of one mind with their predecessors; and here is one of those great compensating provisions of nature which appear to render further argument upon this head unnecessary. Lastly, Sir, objections are raised upon conscientious grounds, and those, perhaps, are the most difficult to reply to. Much, however, as I have thought upon this subject, I cannot see any grounds for scruples where it is the right to present, and not the thing presented, which is made a marketable article, and where the ancient law of the land, which so often bears such a mark of imposing wisdom, has not thought fit to prohibit it. But supposing that I am not able to answer fully all the objections that may be made, is the case less strong or the occasion less urgent? Are we to pass at once to perfection, and escape from the lot of our common condition, which is too often to make a choice of evils. Bring whatever arguments you can against it, and there remain but a choice of evils. I have shown that want of church accommodation exists, and spiritual destitution, which are evils of no ordinary magnitude, and sufficient to endanger the well-being of a State. Year after year thousands are voted for the education of children; and is nothing to be done for parents, who are often as ignorant as their childern? Is this mass of evil to remain uncared-for, and be a blot upon our Christian name; or are we to devise some measures to arrest its onward progress? And if so, what other measure can I—may I not say, dare I propose? Weighty, indeed, is the obligation which a Church united to a State imposes upon her consort. It is acknowledged by the Minister in every appointment in the Church which he makes; and I therefore feel that when, by my present Motion, I broadly assert that the spiritual destitution of a people is one of the most fitting objects for the parental solicitude of the Sovereign, I shall secure an echo in the heart of every reasonable and thinking man. But, Sir, in addition to all this, in the year 1843, when Sir Robert Peel introduced his measure for church extension, the noble Lord at the head of the Government proposed this very thing. He said—

> "It occurred to him that there was a means by which some money might be obtained for the object they had in view. There were about 600 livings in the gift of the Lord Chancellor. Now, there were many reasons for patronage being vested in the Crown, but he knew of none for its being

> in the gift of the Lord Chancellor. He would, therefore, suggest that some of the livings over which that functionary held control should be sold, and the proceeds placed at the disposal of the Church Commissioners."

Well, Sir, the time has now arrived not only when this advice may be most beneficially acted upon, but when the noble Lord is in a position to carry out his suggestion; and having reminded the noble Lord of his opinions, I have no right to assume otherwise than that he will be prepared to give effect to a proposition which only awaits his sanction in order to be converted into a source of untold blessings upon many thousands of our fellow-countrymen. Well then, Sir, concurrently with this, in order to provide endowments for these 600 new churches of 100*l.* each, together with a sum of 50*l.* for the maintenance of the fabric, would require an annual sum of 150,000*l.* Now, it appears from the First Report of the Commissioners upon Episcopal and Capitular Revenues, that the yearly value of the tithe-rent charges belonging to the Church is estimated at 650,000*l.* Of this about two-sevenths, or 180,000*l.*, is enjoyed by the Church as lessor, the remaining five-sevenths by the lessees, and they recommend that these leases should not be renewed; but in order to provide for the sum now accruing to the Church, a similar sum, say 200,000*l.*, would have to be borrowed for a period of twenty years, which is the time computed for the greater part of the leases to fall in. This might be done at 3½ per cent upon the security of a like annuity to commence from the close of that period, and to continue for forty years. Again, Sir, we find that the interest now enjoyed by the Church as lessor in lands and houses, &c., amounts to 300,000*l.* a year; but by a more equitable administration of the leases, which might be immediately adopted, this might be increased about 60 per cent, making its yearly interest about 480,000*l.* The calculation would then stand thus, were these arrangements adopted for the next twenty years :—

Yearly sums borrowed to meet the non-renewal of leases	£200,000
Interest of the Church as lessor in houses, &c.	480,000
	£680,000
Sum required by Act of Parliament to provide incomes for bishops, deans, and cathedrals, &c.	480,000
Leaving a surplus of...............	£200,000

to be applied in the manner now suggested. This surplus would still be subject to a charge of 50,000*l.* a year, which is paid to the Ecclesiastical Commissioners for vacated cathedral preferments, leaving in round numbers the sum which we require. The probable reduction of the septennial averages will to a certain extent cause some further diminution in this sum, but sufficient will surely be left to make what I have now advanced a fair and feasible proposition. It is necessary, Sir, that I should now in a few words proceed to the third division of my subject, as it involves a principle upon which Sir Robert Peel, in the introduction of his measure, laid considerable stress. Sir, it is the manner in which we may expect that private activity will be excited by a large sum placed in the hands of Commissioners to meet those that are locally subscribed. A very few instances will suffice to prove how admirably such a plan succeeds. The estimated cost of the various works promoted by the Church Building Society in seven years amounts to 1,246,308*l.* Of this 260,908*l.* have been contributed from various funds, while the sum raised by private contributions alone has been 905,400*l*- In like manner, the sum raised to meet grants for incomes from the Curates' Aid Society amounts in ten years to 50,305*l.*; sum voted for endowments by the society, 10,150*l.*; sum raised locally to complete them, 33,353*l.* Well then, Sir, it is worthy of remark, if for church-building purposes the sum of 260,908*l.*, spread over seven years, produces from private sources 985,400*l.*, how great might be the result that we might expect would flow if a sum such as I have before suggested, and such as has been recommended by Her Majesty's Commissioners, could be devoted to church-building purposes. And, Sir, the operations of another society, which provides grants to incumbents—the Church Pastoral Aid Society—prove how liberality is excited in another manner equally important by the stimulus given to it through increased religious instruction. I will quote one example to the House :—

> "A remarkable instance of good effected is given by another incumbent, who, upon leaving his parish for a new and more laborious sphere, remarks—

> "For a moment just look at this parish, as it was before any grant (nine years ago), and as it is now ;—

"BEFORE ANY GRANT.	"AS IT IS NOW.
"One church.	"Two churches, well attended.
	"Six schools (we mustered last Whitsuntide at least 450 children and teachers).
	"Two parsonages.
"About 300 people out of 4,100 in church. "Not a farthing contributed by them for any good purpose whatever.	"Six hospitals for old women above 63 years, each endowed with 4*s.* per week (about 63*l.* per annum).
	"The schools of the district, maintained by voluntary contributions, not costing less than 190*l.* per annum.
	"A good library of 200 volumes.
	"A clothing club for the poor, in which they save about 80*l.* in the year for the clothing of their children."

I have thus, Sir, as far as their extended nature has permitted me, endeavoured to enlarge upon some of the topics alluded to in the Address to the Queen, and I trust, that I have been enabled to show how great is the spiritual destitution that exists, and, also, that there are means by which that destitution may be relieved. Upon us, Sir, lies that weighty responsibility—with us rests that important question—whether we will duly acquit ourselves of so great a charge, by rendering available for the use of the Established Church the property which belongs to it, or whether we will permit this present Session to pass by, not only in indifference, but in denial of so fair and just a claim. I have not asked for a grant of public money. Much as I might regret it, I see too much around me not to convince me of the inutility of such a demand; but, Sir, is the Church of England to languish in consequence? for languish she must, if with growing stature and increasing population she has no supply of inward strength. Indeed, Sir, she need not, for I can perceive, with providential reference to these contingencies, that she possesses in herself a source from whence that strength may be derived. Her temporalities have been bequeathed to her by the piety and liberality of our ancestors. They were destined to the spiritual uses of the people, and ought surely to enjoy that administration which may render them serviceable to the purposes for which they were virtually intended—they were intended to promote the interests of religion, and for the united benefit of every member in the Established Church, and all who desire her ministration; and the great body of the poor who cannot afford to contribute to a voluntary system ought to be able to see in them the source of some of their most precious privileges: and therefore, Sir, I assert that the Church of England is essentially a poor man's Church. I do not plead her cause for the purpose of widening the foundations or enlarging the fabric of a merely gaudy edifice; but, Sir, I do desire that if she be seen in her breadth, it may be that her usefulness may be felt; or if she be seen in her wealth, it may be found that there is no sum, however small, left uncalled for, and not tending to promote the eternal happiness of the people and raise their temporal condition by giving them juster views of the aims and purposes of life. I do not hesitate to avow, that we have all an interest in the success of these measures, for the security of property depends upon the maintenance of public order; and abundant testimony is not wanting to prove how salutary has been the influence which has been exerted through the offices of the Established Church in calming the people in periods of excited feeling, and rendering them contented in seasons of distress. I do not expect that those hon. Members who differ from the Church of England will come forward to support measures which are for the benefit of a system with which they are at variance; but I may at least make this appeal to them, in common with every other hon. Member of this House, if the plea has been so often urged, and successfully urged, that the food of the people of this country might be cheapened, and their comforts increased, surely I may now plead that they may have increased means of religious consolation, free of charge, by such an administration of ecclesiastical property as will involve no detriment to any class of Her Majesty's subjects. I advocate no party policy—it is broad as the land on which we dwell, and reaches to every class of the inhabitants of this country; it embraces alone that Conservative feeling which patriotism and loyalty must ever demand at the hand of subjects; for, in the harmonious union of our Church with our State, to enhance the religious efficacy of the one, is to deepen the affections of the people for the Throne; and I may conclude by saying that a Government, by adopting it, would indeed strengthen their hands by not fearing to promote a righteous cause. Events are hastening onwards, and to any reflecting mind the presages of the future must be accompanied with anxiety and doubt. In the maturest councils there may be a mistaken policy; but in this, at least, we may be sure that there can be no mistake: for a period which has been marked by any considerable progress in the Reformed religion, like that glorious epoch which once shone and still sheds its light upon our land, with all the deepened and more mellowed colours of its increasing age—I say, Sir, that a period which has been so marked will, in like manner, impart its own memorial to other days—it will be a glorious page in history—an inestimable gift from Him who is the source of every blessing—the monument of a statesman's highest wisdom—and its voice will long be heard among our descendants in the deep and heartfelt recollections of a nation's love and freedom.

The noble Marquess then concluded by submitting the following Resolution to the House:—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to take into Her consideration the state of spiritual destitution existing throughout England and Wales, with a view that Her Majesty may be pleased to direct the adoption of such measures as She may deem expedient for affording more efficient relief to the spiritual wants of the people, and for an extension of the parochial system corresponding to the growth of a rapidly increasing population, by the help which may be drawn from the resources of the Established Church itself."

LORD ROBERT GROSVENOR rose to second the Motion. He said that he had listened with great satisfaction to the speech of his noble Friend who had just sat down; and he was sure that not only those who agreed with the noble Marquess, but many who in same degree differed from him, had been gratified by the comprehensive spirit, the ability, and the tone which he had displayed in introducing the subject now before the House. He would, therefore, not detain the House by any lengthened observations; but he wished to impress on them, first, that this was no abstract resolution, vaguely proposed in order to attain some remote object which might at some time or other be gained by it, but it was a practical measure, practically proposed, and which sought to put in motion no new or untried experiment, but to carry out that which had been originated by the late Sir Robert Peel. The proposition had been vindicated by him, in the first instance, in 1834. It was reiterated by him in 1843, and since that period it had been productive of signal advantage to this country. He held in his hand numerous documents which either aggravated or confirmed the statement of existing evils adduced by the noble Marquess, and which never had been, and he was sure could not now be, denied in that House. But all he should say was this, that making every allowance for the exertions of those who differed from the Church's communion, it must yet be allowed that there were thousands and tens of thousands—he feared he might say hundreds of thousands—of the people at the present moment who were receiving no spiritual instruction whatever. If any one doubted that statement, he could refer them to that very important authority the *London City Mission Magazine;* and also to the reports of the chaplains of our gaols and penitentaries, which furnished only too abundant testimony confirmatory of the lamentable fact. One chaplain alone had stated that no less than 600 prisoners who had passed through his hands had never so much as heard the name of the Saviour of the world. The evils being admitted, the question resolved itself into this:—Was our parochial system the best means of combating them? What that parochial system was, is perhaps best defined by a gentleman who was universally respected by all who knew him—he meant the Rev. Mr. Dale, vicar of St. Pancras, who had endeavoured to reduce to practice the system as he had defined it. Mr. Dale defined that system to be the not leaving one house in the parish unvisited, not one open sinner unadmonished, not one necessitous person unassisted, or a single child uninstructed. How had that system been carried out? Since the adoption of Sir Robert Peel's Act in 1843, the multiplication of churches, with additional ministers, which had taken place, had not only promoted the religious improvement of the people, but had very considerably advanced their moral and material well-being. He had in his hands a vast number of letters from various parts of the country, giving him information on this point; but he would not trouble the House with any more than one, which he would adduce as a fair sample of the rest. [The noble Lord then read the document in question, which referred to a district near Leeds, where, previous to the consecration of the new district church, there had been no school, whereas now there were three—one for boys, another for girls, and a third for adults. There was also a parsonage now built close to the church and the schools; and out of a population of about 3,000 souls, there were now 500 children receiving instruction in the schools.] The noble Lord continued: If the noble Lord at the head of the Government were present, he (Lord R. Grosvenor) should earnestly implore him, if he could not controvert the statements made by his noble Friend (the Marquess of Blandford), to give his support to the present Motion, and to render available those resources of the Church which ought to be applied to advance the best interests of the people at large. His noble Friend opposite had alluded to various methods of making the property of the Church available for that object; but he should only advert to that one of them which involved the large question of Church patronage. The noble Lord at the head of the Government himself had twice stated that the maintenance of the large number of livings in the patronage of the Lord Chancellor was not necessary; and this very Session the noble Lord had proposed to transfer all that patronage from the Lord Chancellor to the existing Government. True, the Bill which proposed to do that had since been withdrawn. But, at all events, what the noble Lord's opinion was had been clearly shown. The late Sir Robert Peel was favourable to the sale of these livings; and he understood that the noble Lord at the head of the great party on the other side of the House (Lord Stanley) entertained a similar view. The House was well aware that these livings were originally entrusted to the Lord Chancellor, because formerly he was generally an ecclesiastic, and because they were sources of direct pecuniary benefit. That state of things had, however, now passed away, and the patronage which was not ecclesiastical was sufficient to engage all the attention of the Lord Chancellor, and enable him to administer it with discrimination. He did not say that a Lord Chancellor would ask any man seeking a living how he gave his vote at an election; but with his multifarious other occupations it was impossible that he could exercise a rigorous control over his ecclesiastical patronage, and he must be guided by some other person who was not responsible to the public. Again, a great number of the livings in the gift of the Lord Chancellor were so small that there was great difficulty in getting proper persons to take them at all; and if this class of livings were sold they would probably fall into the hands of some respectable laymen resident in the neighbourhood, who would procure increased stipends, and see that the duties of the incumbency were properly fulfilled. Then, if the Government would consent to that suggestion, three great advantages would accrue: first, there would be increased means of spiritual instruction provided; next, the poorer class of stipends would be increased; and, thirdly, there would also be a better chance of the patronage being better administered. He regretted that they were not all of one mind with regard to doctrine and church government; yet he was firmly persuaded, that by mutual concessions, instead of thwarting each others' exertions, they might all combine in doing their utmost to carry on the conflict with that common enemy of all denominations of Christians—infidelity. If he had believed that the succes of this Motion would have the effect of giving a triumph to either of the parties who unhappily divided the Church, he should not have stood up with the great pleasure which he now did to second a Motion for the extension of the Established Church. But, believing, on the contrary, that a few who were most violent made the greatest noise, and, in consequence of that, a very exaggerated idea was entertained of their numbers; believing that the great body of the laity and clergy were sound, and that they were willing to conciliate, rather than farther to alienate, those who were most estranged from them, he had cordially undertaken to support a Motion calculated to promote that parochial system which he considered the best, or, at all events, the easiest, means for grappling with those social evils which had been often stated, but whose existence had never been denied in that House.

Mr. HUME said, he had given notice of an Amendment, not in opposition to, but with the view of forwarding the important object intended to be carried out by the Motion of the noble Marquess opposite (the Marquess of Blandford). He thanked the noble Marquess for the trouble he had taken in bringing this question before the House; and he thought he had shown, by the manner in which he had delivered his speech, that he was sincerely anxious to see the course he pointed out adopted, and also that he was an attentive observer of what was passing in the Established Church. He concurred with the noble Marquess as to the existence of the evil; but he could not agree with him as to its cause. The noble Marquess took the whole population of the country, and, taking no account of the other religious communities, he set down as totally destitute of religious instruction all those who do not belong to the Church of England.

Just let him show the error of this by pointing out two cases. He (Mr. Hume) would instance Lancashire and Wales as an example, and he begged the noble Marquess's attention to the facts he was about to adduce. His authority was Mr. Baines's tables for 1841, which gave the best information extant respecting the number of Dissenting chapels, and the extent of accommodation they afforded for religious purposes. In 1841 the population of Lancashire was put down according to the census, 1,667,000. The number of episcopal churches was 189, having sitting accommodation for 214,436; whilst the number of dissenting chapels was 544, with sittings for 290,547 persons. In Wales the population in 1841 was 911,321. The episcopal churches in North Wales numbered 309; whilst the number of dissenting chapels was 430; and since the census of 1841 the amount of dissenting accommodation had been increasing in its former ratio. Let the House therefore not suppose because the people did not attend the Established Church they were necessarily destitute of all religious instruction. His object in moving the Amendment was to show to the noble Marquess that he might carry out increased religious instruction under the Church of England with smaller means than the Church already possessed, if they would only properly employ her present amount of means for strictly religious purposes. His (Mr. Hume's) complaint was that the property of the Church had been improperly administered; so that he too might well quote the passages from Bishop Latimer, to the effect that their bishops had been so far removed from their flocks in being made lords and peers of Parliament, and placed so much above the classes whose spiritual instruction they ought to superintend, that they had been of comparatively little use during the last two centuries of the Church. Indeed, it might be said that if there had been no bishops at all, the Church would have been benefited, because they had been the greatest protectors of abuses in the Church. When the noble Marquess spoke of additional clergymen, he would remind him how often he (Mr. Hume) had urged the putting down of pluralities, and the abolition of church rates, so as to place the Church in a position in which she would neither be envied nor regarded with bitter hostility by the Dissenters. The ground which he (Mr. Hume) as a supporter of the Church

took in 1837 was exactly what the noble Marquess now proposed to do; but in 1837 his (Mr. Hume's) Motions against pluralities were rejected, and only received support from minorities of 23 and 42 out of 658 professed friends of the Establishment. On the 14th of July, 1836, he proposed a resolution to the effect that, until adequate provision had been made for the payment of parochial clergy to supply religious instruction to those parts of the country which were stated in the reports of Commissioners to be destitute, the salary of the Archbishop of Canterbury should be 8,000*l.*, the Archbishop of York 7,000*l.*, and that the other bishops should have 4,000*l.* each. The Bishop of Norwich of that day—a venerable and most excellent man—found fault with him because he allowed the bishops too much; and as a friend of the Church, that worthy prelate (who said he administered his own diocese in a most praiseworthy manner for 3,000*l.* a year) wished that the allowance should be fixed at no more than 3,000*l.* Well, what was the result of the division on his Motion on that occasion? Why, only 44 voted for it, and 82 against it. So that what was now proposed was what he had been regarded as an enemy to the Church for proposing long ago, although he had only been anxious to see the funds of the Church applied in a legitimate manner for promoting that religious instruction amongst the people which was necessary in every well-regulated society. He had always been convinced that an irreligious people must of necessity be an ignorant people, and that an ignorant people became a criminal people. The following statement was taken from the report of the Ecclesiastical Commissioners, appointed by Sir Robert Peel's Government, for 1835. The revenue of the archiepiscopal and episcopal sees was 181,631*l.*; that of the cathedral and collegiate churches, 284,000*l.*; that of dignitaries of cathedral and collegiate churches, 75,000*l.*; that of sixty-two sinecure rectories, 80,000*l.*; that of the parochial benefices (upwards of 10,000 in number), 3,150,000*l.*; making a total of 3,770,631*l.* of annual revenue for the support of the Church. The returns quoted in that report showed, also, that there were 5,230 curates actively employed in 1831, whose incomes averaged only 79*l.* per annum; so that the active duties in nearly one-half of the benefices were performed for less than 420,000*l.* out of the immense Church revenues of 3,770,631*l*. By a return on the table of the House it appeared that the sums limited by Parliament for purposes of Church extension amounted to 2,753,000*l*., including a sum of 153,000*l*. for drawbacks of duty on the building materials of the churches. Yet, in spite of the public liberality, the underpaid curates had been retained, the pluralities had been continued, and, contrary to the Act of Parliament, the bishops had divided among themselves a large portion of the monies properly belonging to the Church. It appeared that on the 31st of December, 1831, the net income of the twenty-four bishops and two archbishops amounted in all to 157,737*l*., the Archbishop of Canterbury receiving 19,182*l*., the Archbishop of York 12,629*l*., the Bishop of London 13,929*l*., and the Bishop of Durham 19,066*l*. It was provided by the Act the 6th and 7th of William IV., c. 77, that the sums to be paid after the death of the individuals then holding the sees should be —to the Archbishop of Canterbury 15,000*l*.; to the Archbishop of York, 10,000*l*.; to the Bishop of London, 10,000*l*.; to the Bishop of Durham, 8,000*l*.; to the Bishop of Winchester, 7,000*l*.; to the Bishop of St. Asaph, 5,000*l*.; to the Bishop of Bath and Wells, 5,000*l*.; to the Bishop of Worcester, 5,000*l*.; to the Bishop of Ely, 5,500*l*.; and to the remaining bishops, 4,500*l*. a year each; the whole amount of the incomes thus settled being 142,700*l*. a year. It appeared, however, from a return which had been laid on the table of that House within forty-eight hours, that the amount actually received by the bishops, on the average of the last seven years, had been 194,000*l*., instead of 142,000*l*., in consequence of the continuance of the system of fines. He (Mr. Hume) submitted to the Government that the lands for which those payments were to be made, should be placed in the hands of laymen, responsible to that House, and accountable for their deeds, instead of being left in the hands of the bishop of the day. But, instead of regularly paying over a fixed amount from this fund, the bishops had been allowed to put their own interpretation on the matter, and they stated the amount of their incomes at the lowest possible rate, without allowing for the increase which had taken place in the course of circumstances; and they paid to the Commissioners only the difference between the salaries of 1831 and those limited by the Act of Parliament. The funds intended for the support of the minor clergy had been applied contrary to law; and any hon. Member who had been present at the discussions of that day would bear him out in saying that the interpretation which the bishops had given to the Act was not the interpretation intended. He contended that the moment Government found that that interpretation was given to the law, they ought to have brought in a Bill to correct the abuse. He had no hesitation in saying that many of the livings belonging to the Church were inadequate for the support of any man. In 1823 and 1824 he had proposed that all holders of livings in Ireland having above fifty of a congregation should receive 300*l*. a year; he had proposed also that every clergyman in England who had a living should receive 300*l*. a year; and this he thought would have been a better plan than that of building palaces, which, in the words of Latimer, raised bishops above their duty. He approved of the noble Marquess's Motion, as the first and most important step towards a desirable object; if the noble Marquess would only direct his attention to the part of the subject on which he (Mr. Hume) had touched, he was sure it would be of great use. So long as they allowed the present system of education in the Universities to continue —a system fitted only for the middle ages, and made for monks—was it to be wondered at that the clergy should be going over to the Church of Rome? Did they hear of any Dissenters going over to that Church? For what use did bishops and regulations of discipline exist? If there were men who attempted to carry out the Romish ceremonies under pretence that there were some such rubrics in the Prayer-book, it was the duty of the bishops to prevent them. He hoped church rates would be put an end to, as they were so great a cause of discontent and heart-burning. He wished for the prosperity of the English Church, as a means of promoting education, moral and religious, and he was perfectly satisfied that no Dissenter in this country would grudge the application of any proper means to ensure that prosperity; but he had been unwilling to see money that was left for the benefit of all applied to the particular advantage of individuals. He hoped and trusted that the noble Marquess and himself had both the same object in view. He thought the course taken by the noble Marquess a fit and proper one, and it was with that view he was anxious to make the addition to it he proposed, pointing out the mode by which the Legislature might attain a knowledge of the means belonging to the Church. It might appear surprising that sectarian extremes meet—a Radical like himself, and a Conservative like the noble Marquess; but he hoped both had the same object in view, the good of the people.

Amendment proposed, at the end of the Question, to add the words—

"And also, that Her Majesty will be graciously pleased to direct that there be laid before this House, an Account of all lands, houses, mines, tithes, and all property of every sort or kind whatsoever, belonging to the Church of England, or to any Bishopric or any Capitular or Ecclesiastical Body or Corporation, sole or aggregate, setting forth the nature and extent of the property, and where situated; in whose possession, or to whom leased, and the date of such lease and by whom held; the period for which the lease was granted; the fine, if any, taken at the time of granting the lease; the names of the parties by whom that fine was received, and the amount paid to each party; also, the rent reserved, and the annual value at which such property is now rated to the relief of the poor; and if tithes, the amount of the same; or if commuted, the annual rent charge; the Return for each Bishopric and Ecclesiastical and Capitular Body to be given separately."

Question proposed, "That those words be there added."

Sir BENJAMIN HALL said, he was most anxious to offer his sincere thanks to his noble Friend the Marquess of Blandford for bringing forward the Motion. He felt confident the Motion was so framed that it would be the only practicable method of carrying out the desirable object which the noble Lord had in view. He might say that he had himself taken a leading part in reference to Church affairs, with the view of effecting some change in the abuses that existed; and he thought that if the Motion of the noble Lord was carried, that it would have the effect of remedying those abuses. He could also agree in the Amendment of his hon. Friend the Member for Montrose, feeling satisfied that the funds at the disposal of the Commissioners would be found sufficient and available for all the purposes required. In the course of the observations which his noble Friend had addressed to the House, he referred, among other documents, to Parliamentary Paper No. 241 of the present Session: "The copy of an address to Her Majesty of Prelates, Lords of Her Majesty's Hon. Privy Council. and others, members of the United Church of England and Ireland, on Church Extension, presented to Her Majesty by the Archbishop of Canterbury." It was there suggested by two archbishops, seven bishops, and ninety-eight laymen, that with the view of subdividing all densely-peopled parishes in England and Wales, and providing for their spiritual instruction, a sum of about one million sterling could be supplied from some general fund. Now, he certainly should oppose any Parliamentary grant for the purposes of church extension, and he presumed that his noble Friend, although he referred to the matter, had no such view. The next proposition was, that the patronage of a portion of the benefices in the gift of the Lord Chancellor should be resigned in favour of the proposed new parishes, and the value of the advowsons applied in successive years to the erection of churches. He objected to such an arrangement, as he heard no sound or substantial reason assigned for it. If, at any future time, such a proposition were made, he would give it careful consideration; but at present he could not consent to its adoption. He thought that when the archbishops and bishops printed this address, they might have called attention to the number of livings of which they had the patronage; and if they were so desirous of the sale of church livings, some of their own might have been sold for that purpose. He was not aware that the Lord Chancellor's patronage was bestowed on less deserving individuals than those on whom the patronage of the bishops was bestowed. On the contrary, he believed that the gentlemen appointed by the Lord Chancellor were zealous and efficient in the discharge of their offices. There were about seven hundred livings in the gift of the Lord Chancellor. By reference to a small book he found that the number in the gift of only four bishops was as follows:—Archbishop of Canterbury, 174; Bishop of Durham, 61; Bishop of London, 127; Bishop of Winchester, 86—making a total of 448 livings, not one of which "they were desirous of disposing of." The patronage in the gift of the Archbishop of Canterbury, it was said, amounted to about 80,000*l.* per annum, the sale of which would produce nearly the million asked by the prelates as a grant for church extension. He (Sir B. Hall) saw no reason for attacking the benefices in the gift of the Lord Chancellor. The next proposition of the Commissioners was the adoption of a better system of managing Church property, whereby not less than half a million per annum might be obtained in the course of a few years; and the address went on to say—"It rests with Your Majesty's Government to set the scheme in motion; it will remain for the people to press it forward." Now, he did not think that they would get the people of England to press forward, unless they put the whole Establishment on a better and more satisfactory footing; better as regarded the interests of the Church, and more satisfactory as regarded those who attended the Church. When he spoke of the Church, he wished it to be understood that he did not speak of the clergy. He knew that when an attack was made upon the emoluments of the superior and overpaid dignitaries, many persons were disposed to say, "You are an enemy of the Church." He disclaimed being an enemy of the Church. He could not be an enemy to the community to which he belonged. All he desired was to make the clergy, who were the servants of the Church (the laity being the Church) good and efficient ministers for the performance of their sacerdotal duties. His noble Friend had said that he believed there were ample funds within the Church for the purposes of the required extensions. He (Sir B. Hall) had a document before him, the contents of which would astonish them. He had long endeavoured to obtain from the Ecclesiastical Commissioners this return, which he had asked for month after month, until he was wearied by the frequency of his applications. That return was ordered on the 2nd of May last year, but it was not presented until the 22nd of June in the present year. By this return it appeared that the Church property was of immense value, and yet the whole value was not given. That abominable system of taking fines upon leases was still continued. It would be impossible to ascertain the full value of the property, unless the Motion of his hon. Friend the Member for Montrose was carried. What was most important in the return was in regard to the real value of the property. He hoped the House would bear with him while he stated what the archbishops and bishops of the Established Church had received, according to the document so tardily furnished by themselves.

Name of the See.	Gross Income for Seven Years.			Net Income.			Income from Fines for Seven Years.			Seven Years' Average of the See.		
	£	s.	d.	£.	s.	d.	£	s.	d.	£	s.	d.
Canterbury	210,134	8	4	160,984	7	8	83,951	12	7	22,907	15	4½
York	100,468	5	4¾	89,946	13	11¾	60,245	0	8	12,849	10	6¾
London	123,985	10	11	115,591	19	11	31,868	13	3	16,513	2	10
Durham	207,562	1	6	187,507	12	0	100,710	18	1	26,786	16	0¾
Winchester	101,130	1	1	85,511	1	0	54,358	2	7	12,215	16	3¼
St. Asaph	53,667	0	5¾	40,868	18	2¼	6,088	13	4	5,838	8	3½
Bangor	44,058	10	11	32,025	13	5	4,068	0	0	4,575	1	9¼
Bath and Wells	44,648	15	7¾	39,737	17	1¾	21,976	17	0	5,676	16	8¾
Carlisle	27,092	12	10	20,399	1	10	12,758	15	1	2,914	3	1¼
Chester	28,086	3	0	25,407	3	3	12,883	14	2	3,629	11	10½
Chichester	32,382	11	9	30,630	8	10	9,051	14	9	4,375	15	6½
St. David's	43,939	18	9	39,125	14	11	9,672	13	5	5,589	7	10
Ely	60,064	4	1	54,839	10	3	35,279	13	6	7,834	4	3¾
Exeter	13,667	4	6	10,561	6	3	4,146	14	0	1,508	15	2
Gloucester, &c.	33,603	2	10	32,142	5	7¾	18,682	2	4	4,591	15	1
Hereford	43,001	11	10	40,493	15	4	20,699	7	0	5,784	16	5½
Lichfield	36,337	3	10	30,811	9	5	8,020	6	6	4,401	12	9¼
Lincoln	31,119	16	9	28,405	17	0	9,865	7	4	4,057	19	6¾
Llandaff	11,404	9	6½	10,685	15	10½	3,310	0	0	1,526	10	10
Norwich	42,898	12	11	39,575	18	1	27,581	13	3	5,653	14	0
Oxford	36,601	4	11	33,695	13	11	11,049	13	0	4,813	13	5
Peterborough	37,075	7	2	32,615	0	2	15,461	13	4	4,659	5	8¾
Ripon	33,781	17	6	31,037	7	8	8,599	6	4	4,433	18	2¾
Rochester	28,029	9	4	27,493	17	4	5,661	1	0	3,927	13	10¾
Salisbury	45,311	11	2	41,961	14	3	22,149	19	5	5,994	10	7¼
Worcester	65,853	18	3¾	62,114	14	6¼	38,238	14	10	8,873	10	7¾
Total of Sees	1,535,976	7	5½	1,344,170	18	0½	636,387	15	9	192,024	7	11½*

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* In many instances the bishops have, in addition to their sees, several other sources of Ecclesiastical Preferments; for instance, the Bishop of Exeter is treasurer and canon of his Cathedral, value 1,198*l.* per annum. Rector of Shobrook, 280*l.* per annum; Canon of Durham, 2,600*l.* per annum; total, 4,078*l.* net income besides his see.

The result of the whole was, as they had heard, that the gross income for the last seven years amounted to the enormous sum of 1,535,976*l.* The net income was 1,344,170*l.* The average income of the seven years, giving a net income to those bishops, was no less than 192,024. This was only on the episcopal property. Would it be believed that the fines received from leases granted for lives and for terms of years, amounted to 636,387*l.*? Now when they took fines upon such leases, they robbed the Church. He would take one case as shown by this return. The Bishop of Winchester had, it appeared, actually received 20,681*l.* in fines within the last year: this was an instance of only one bishop in only one year. The House would recollect that by an Act of the Legislature in 1836 it was intended that the archbishops and bishops should have fixed revenues, varying from 4,200*l.* to 15,000*l.* a year; and in order to effect this object, a return is made every seven years of the net income of each see; and if that income shall be larger than the sum assigned to the see, the surplus shall be paid over to the Ecclesiastical Commissioners; and if, on the other hand, the average shall fall short of the sum assigned to the see, the deficiency shall be made up by the Commissioners; and at the next avoidance of the see the scheme was to take effect; and the public had been led to believe that the income of the bishop would be confined to the sum set down for the see. Many of the laity, however, protested against leaving the property of the see in the hands of the bishops, and desired that the whole should be placed under the control of commissioners, and that the bishop should receive, as annual net income, the exact sum assigned to the see. The bishops, on the other hand, objected to any such proposition, one of its most strenuous opponents being the Bishop of London. The bishops desired the entire management of the property; and the result has been that some of the bishops on the new foundation had received an enormous sum beyond the income assigned to the see, and that others have not only taken annual sums from the Ecclesiastical Commissioners to make up a contemplated deficiency of income, but have received large sums by taking fines upon granting leases and other sources, making on the whole an income very far greater than it was ever intended they should enjoy; and there were other bishops who, having to pay over to the Commissioners a contemplated surplus, had refused to pay over that surplus, because, as they alleged, they had not been able to make it out of the see. All this appears in Parliamentary Papers, Nos. 153 and 400. Thus, it seems, that when it suited their pecuniary interests they adhered to the letter of the statute, but when they found they were not gainers they demurred to its provisions, and consequently deprived the common fund of the sums which were to have gone to the augmentation of small livings. He would now proceed to illustrate the several cases. He would first show what had occurred in six sees :—

Name of See.	Fixed Annual Income.	Seven Years.	Bishop has Received.	Surplus beyond the Stipulated Income.
	£	£	£	£
Chichester	4,200	29,400	30,630	1,230
St. David's	4,500	31,500	38,126	6,626
Norwich, late and present Bishop	4,500	31,500	39,575	8,075
Oxford, 5 years .	5,000	25,000	26,918	1,918
Rochester, 4 years	5,000	20,000	22,279	2,279
Salisbury	5,000	35,000	41,972	6,972
		172,400	199,500	27,100

In the seven years ending December last the Bishop of Chichester had received 1,230*l.* more than was assigned to his see; the Bishop of St. David's, 6,626*l.*; the Bishop of Norwich, 8,075*l.*; the Bishops of Oxford, Rochester, and Salisbury, in similar proportions. The result was, for seven years these bishops had received, as net income, 199,500*l.* in the whole, or 27,100*l.* more than was allotted to the sees, and the amount fixed as their annual incomes. Now, if any other persons were to act in this way, he should be disposed to call it a robbery of a fund. If a man assented to a certain fixed income being paid him for his services, and he took more than the sum assigned to him, he took what he knew did not belong to him. But this, however, these and other bishops had done. There were also bishops who had to pay certain sums of money to the ecclesiastical fund. They had speculated upon their sees, and had not made a good bargain. They have refused to pay the amount they were ordered to discharge. These were figures taken from the returns for which he had moved, in consequence of the Report of the Ecclesiastical Commission. The Archbishop of York owed to the Commissioners 2,317*l.*; the Bishop of St. Asaph, 1,661*l.*, notwithstanding certain deductions allowed to his Lordship, which he (Sir B. Hall) contended were illegal; the Bishop of Bath and Wells, 3,495*l.* (but this sum has been lately paid); the Bishop of Ely, 9,242*l.*—all these making a total now due by three bishops alone of 14,225*l.* He declared that if any person looked at the Paper No. 153, which had lately been laid on the table of the House, they would be astonished to find how any gentlemen could suffer themselves to be dunned in the way in which the bishops had been dunned by the Secretary of the Ecclesiastical Commissioners. What with some bishops taking more than they ought to have taken, and others not paying what they really owed, there was no less a sum than 42,500*l.* due to the Ecclesiastical Commissioners, which should have been available for increasing the incomes of small livings, and paying, for instance, poor Welsh clergymen, who had scarcely sufficiety to support their existence. He would now pass to three of the great sees. He would begin with two that were on the old foundation, namely, London and Winchester. On Saturday, the 30th of May, 1837, it was decided by the Ecclesiastical Commissioners, that the incomes of those sees on the next avoidance should be 10,000*l.* and 7,000*l.* a year respectively. It was a remarkable fact that there was no one single instance of any of the bishops, during their lifetime, having given up anything for the benefit of the Church. These two bishops (London and Winchester) determined that their successors should have for their incomes 10,000*l.* and 7,000*l.* a year respectively. Now, if these incomes were good for their successors, why were they not equally good for themselves? These bishops had two palaces each, irrespective of their incomes. In fourteen years the Bishop of London would thus have received 140,000*l.*, but he had received 217,259*l.*, or 77,259*l.* more than he declared was sufficient for his successor! The Bishop of Winchester, for the same number of years, should have received 98,000*l.*, instead of which he had received 151,166*l.*, or 53,166*l.* more than he thought sufficient for his successor! These two prelates had, therefore, taken from the Church in these fourteen years no less than 130,425*l.* more than they themselves had declared was sufficient for the maintenance of their respective positions. But it had been said that these were bishops of the old foundation, and the new incomes were not to apply until the next avoidance. He would take a case of a new foundation. In 1836 the Bishop of Durham was appointed to his see at an income of 8,000*l.* a year, assigned to it. In fourteen years that prelate should have received 112,000*l.*, instead of which he had taken 191,658*l.* or 79,658*l.* more than he should have done. These three prelates, therefore, deprived the Church of 210,083*l.* within fourteen years. But there was another point connected with this Motion which he was anxious should not be forgotten. Let them look at the immense sums of money which several of the clergy annually received, and the comparatively insignificant services they rendered. He should take a district in the diocese of Ely for an illustration, and they would see what was required to be done before they could expect people to come forward with large subscriptions in aid of Church extension. In Wisbeach the Rev. H. Fardell was the vicar. From St. Peter's he received 1,311*l.* 10*s.*, and from St. Mary's 879*l.*, making a total of 2,190*l.* 10*s.* Besides, he was prebend of Ely, with an income of 700*l.*, and vicar of Waterbeach with 500*l.*, amounting in the aggregate to 3,390*l.* This gentleman was absent from his duties for six months in each year. He was son-in-law of Bishop Sparkes. In Wisbeach St. Mary, with a population of 1,600, there was no resdent clergyman. In Wolsoken the Rev. J. Blockey, the rector, was non-resident; but the value of the living was estimated at 1,293*l.* In Leverington, Mr. Sparkes, the rector, was non-resident, value 2,099.; canon of Ely, 700*l.*; rector of Gunthorpe 534*l.*; total 3,333*l.*, son of a former bishop. Tyd St. Giles's, Rev. Mr. Watson, rector, non-resident; value, 1,200*l.*; this gentleman resides in Guernsey, and pays his curate only 120*l.* per annum; population 900, very few attend the church. Tyd St. Mary's, Rev. Mr. Bouverie, rector, non-resident; value 1,200*l.*; prebend of Lincoln, 1,000*l.*; rector of Woolbrading, 227*l.*; total, 2,327*l.* Here, then, they had four clergymen receiving 8,153*l.* 11*s.* 4*d.*, and not doing any duty; and one clergyman receiving 3,390*l.*, and doing duty only when it suited his convenience. This occurred in the neighbourhood of Wisbeach. Now, he asked if such a state of things as this was not truly scandalous? And let him ask—and he did it with grief and with shame—would the Roman Catholics do these things? And yet, asking this question, he must say with grief and with shame, that in the Church of England these things were going on from one end of the kingdom to the other. There was, also, the see of Rochester, which had of late become rather notorious. The present Bishop of Rochester had been appointed in the year 1827. This prelate had held the deanery of Worcester and some other benefices, which he resigned in 1846, upon receiving the 5,000*l.* a year, being a larger income than he before had. But having shown what was the income of the bishop, he had now to show how his duties were performed. One of those duties was the triennial visitation of the cathedral. By the statutes of the cathedral he was bound to make that visitation. (He (Sir B. Hall) had made anxious inquiries into the subject, and he found that the bishop had never made one of these visitations of the cathedral; and not only ought he to do this, but he had sworn to do this. He understood, too, that the bishop had seldom preached in the cathedral, except upon Easter Sunday last. It might be said that if he were a friend to the Church, he would not labour in collecting these facts. His only answer was, that they lived in an age when, if abuses were not put prominently forward, there would not be any chance of redressing them; and therefore it was that he would persist in exposing them, in the hope that some day he would be able to effect their correction. But having now shown what was the conduct of the bishop, he had next to look to the conduct of the capitular body. The dean preached twelve times from December 1st, 1850, to April 1st, 1851, and attended service four times on week days, and received 1,426*l.* a year. One canon preached twelve times in two years of residence, and received 680*l.* a year. Another canon received 680*l.* a year, and he also took an additional stipend of 100*l.* a year, which he obtained from the Ecclesiastical Commissioners, because the duties of the canons were declared to be so onerous that it was impossible to perform them unless there was another 100*l.* a year given. Another of the canons had not been in Rochester for three years, and had sold off his goods and left the place. Such, then, was the state of the ecclesiastical body in Rochester; but, in order to bring their conduct up to the present time, he had to mention that, up to the end of June, which closed the day before, no canon had preached in the cathedral, not even on Whit Sunday, although one did on Ascension-day. This was the manner in which the canons performed their work, and now the cathedral was to be closed in a few days, so the bishop and the chapter would be entirely free to enjoy themselves. They had amongst them 10,900*l.* a year for doing little or nothing, and they had from other sources of preferment an additional income of 7,740*l.*, making a total of 17,640*l.* per annum, while the minor canons did the work, for which two of them receive 150*l.* a year, and the others only 30*l.* a year each! The case of Rochester was curious in other respects; but that portion of the case to which he would not now refer, was pending in the courts of law. His attention had, however, been directed to one fact in connexion with it, which he found in a pamphlet published by Mr. Whiston, and in consequence of it he had moved for a return. There were six men, who were called almsmen and bedesmen, who were to have 40*l.* a year. This grant had been made long since; the payments had been confided to this ecclesiastical body, and by the return there appeared to be no such persons in existence. He was anxious to know when there had been an almsman appointed, and he found that in August, 1774, there had been a bedesman named Featherstone appointed, and that there had been no bedesmen since 1790, so that 2,400*l.*, intended for the purposes of the charity, were taken and divided by the chapter amongst themselves; and yet, would they believe that the chapter clerk went through the farce each quarter-day of crying out, "Thomas Featherstone, come forth and receive your annuity;" "Cornelius Ryan, come forth and receive your annuity;" and this abominable imposture was actually performed before the eyes of the dean and chapter, who well knew that both Thomas Featherstone and Cornelius Ryan, who were thus called upon, had been in their coffins for years. But the consequence of the exposure by the return had done something in the way of good. New appointments of bedesmen were made. Six poor men were appointed, whose ages varied from sixty-five to eighty years. One of these had served with Lord Howe, and another had been at the battle of Waterloo—men of excellent character. They were to receive the 40*l.*, and yet, would the House believe that, a few days ago, when 1*l.* 10*s.* 10*d.*

was paid to each of these poor men, the chapter clerk of that body which had 17,700*l.* a year, actually deducted a 10*s.* fee from their 1*l.* 10*s.* 10*d.* ? This corporation, though for a space of forty or fifty years it had engrossed this large revenue, deducted thirty per cent in this way from the small pittances of these poor men. But that was not all, for the Dean of Rochester had appropriated the money intended originally for the maintenance of the hospital called the Lepers' Hospital, the funds of which, in consequence of the moral leprosy that had prevailed, had been taken from charity for the benefit of the dean. He asked the House how they could expect the people to press forward for the extension of the Church, when they saw these abominations going on day after day, and they were obliged to get up with disgust to point to those acts of their bishops, who ought to be the ministers of God, and to do good to their fellow-subjects ? Now let them look at this diocese of London, and consider for a moment the duties of certain prebends of St. Paul's. There were seven of them, and their duty was, to preach twice a year. There is a property in the borough which he had the honour to represent, which was rated to the relief of the poor at about 208,000*l.*; yet all that the Dean and Chapter now received out of that vast property was only 300*l.* a year, in consequence of their having disgracefully consented to its alienation for a heavy fine. It is now called the Southampton estate. That was the way the Church had been robbed. [Mr. GOULBURN: Hear, hear!] He was glad to hear the right hon. Gentleman say "Hear, hear," to that. It was a gross case that he had stated, and the right hon. Gentleman acknowledged it to be so. Yet that was going on every day; nor had the right hon. Gentleman, either in office or out of office, ever attempted to check the continuance and repetition of these gross proceedings. What was the case with the Bishop of Winchester last year ? Did he not grant a lease on a life, or for years, and take a heavy fine ? Why, that in itself was a robbery of the Church. If he had been content with the property of his see, there would have been no occasion to take a fine, and alienate the property of the Church. But the right hon. Gentleman (Mr. Goulburn), being an Ecclesiastical Commissioner, must be aware that there was a commission appointed, called the Ecclesiastical Capitular Revenues Commission, the object of which was to get rid of fines on leases; and the Earl of Carlisle brought in a Bill in another place the other day, to do away with them. The greatest opposition that could be employed to frustrate this measure was resorted to against it—and by whom ? By the bishops who received the fines! Nothing, consequently, this Session, could be expected to be done with reference to this subject, which so much demanded reform. It was only by the exposure of such abuses that any useful result could be attained; and it was only on an occasion like this, when his noble Friend had made a Motion in favour of Church extension, that they were able to move those personages, and to make them remember that they were, not the masters, but the ministers of the Church, of which they (the laity) were the vast community. He now came to a diocese with which he was well acquainted—and if any one wanted to see the destitution of the Church—the neglect of the Church—or the disgrace of the Church—let him go into the diocese of St. David's. The Bishop of St. David's was a bishop of the new foundation, with a fixed salary of 4,500*l.* per annum, and in order (as it was asserted) to make up which amount he received 1,600*l.* a year from the Ecclesiastical Commissioners. But what was the result of the return now in the hands of the right hon. Gentleman ? Why, that instead of the 4,500*l.*, that prelate had received 5,500*l.*; and in order to make as great as possible every deduction which could seem to diminish the amount of the gross income, the right hon. Gentleman would see that there was not a single item of expenditure that could enter into the mind of a bishop, that had not been deducted, even down to a sum of 12*l.* 4*s.* to poor clergy for stipends, and one of 2*l.* 4*s.* for pension. And now let the House see what were the offices of the Bishop of St. David's, and how he discharged the duties of them. He was dean and treasurer of the collegiate church of Brecon. The property of that establishment amounted to 7,213*l.* 10*s.* per annum. They had always been told that the duties of a dean included that of presiding over his church, and of seeing that the funds were properly applied in keeping it in repair and general efficiency for divine worship. Now he would read an extract from the description given of this place by a recent writer—a gentleman who had held an official situation under Government for fifty-one years, who retired only a few days ago, and who had been held in such high estimation that a piece of plate was presented to him as a mark of respect. This gentleman's name was Jesse, and he made his visit in 1847. He said—

> "There is one place at Brecon, to which the wandering angler's attention should be directed. It is the interesting old cathedral, now fast mouldering away, neglected, forsaken, and almost unknown. Who can see it without feelings of the deepest regret? No solemn anthem now ascends to heaven, no choral praise is heard. The insidious ivy creeps through the roof, the floor is damp, and the old oak stalls with their curiously carved miseres are fast falling to decay. And why is this? Are there no funds to keep it in repair? No estates attached to its original foundation? Where is the dean who occupied the stall on which his name is inscribed, or the precentor or prebendaries who sat in the others? Did they resign the ecclesiastical duties, because decaying incomes kept pace with the decay of the sacred edifice? Nothing of this sort is the case. The Bishop of St. David's is the dean, and there are no less than fifteen prebendaries, all of them (the Bishop included), deriving considerable incomes from this neglected place. Yet the estates flourish, the rents are paid, and the dean and prebendaries pocket the money. The livings which pious men left to this church are still held by them, and yet it is all decay, ruin, and desolation."

Now, this was the description of the collegiate church of Christ Brecon, of which the Bishop of St. David's was dean. And he would ask the House whether the Roman Catholics would suffer this? Would they not, if they had a good and solid foundation, employ it for the benefit of their community in the district? Who can wonder, when the Pope of Rome saw all these things going on in the diocese of St. David's, that he should appoint a prelate of his own to preside over it? Who could wonder that in front of the still remaining, but recently unglazed, window of that church, there should arise a Roman Catholic place of worship well calculated to meet the wants of the Catholic inhabitants of the district? Let him now show the House what was the state of the parish churches in the diocese over which the Bishop of St. David's ought to exercise a rigid system of discipline. He would, therefore, read extracts from the Report of the Commissioners appointed about six years ago, by the right hon. Baronet the Member for Ripon, who, when Secretary of State for the Home Department, deemed it advisable to have a commission to inquire into the state of education in Wales, and this commission visited many churches, because the schools were often held in churches. He (Sir B. Hall) read extracts from the Report, because the House might require the corroboration of a Parliamentary paper to enable them to believe in the possibility of what he could afterwards state from the Report of his own Commissioners only a few months ago with regard to the manner in which the ministration and services of the Established Church were allowed to be neglected, and the consequent natural and general alienation of the people from the Church. Here the right hon. Baronet read as follows:—

> "Kemys Hundred.—In the whole country between Fish Guard on the North, and the Precelly Mountain on the South: there is no day school, the state of the church exemplifies the neglect in which the population of these parishes are left. Churchwardens are never appointed. The churches of Llandeilo and Maenchlochog are in ruins. I entered that of Morfyl; the panes of the chancel window were all out; inside of the church wet as if just rinsed with water, as indeed it had been, for the afternoon was raining.
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> "Hasguard.—School held in the church, where the master and four little children were ensconced in the chancel, amidst lumber, round a three-legged grate full of burning sticks, without funnel or chimney for the smoke to escape. How they bore it I cannot tell. There had been no churchwarden in the parish for the last ten years, nor, it is believed, for a much longer period.
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> "Llanafan Fechan.—Mr. Rees, farmer, who lives close to the church, informed me that divine service was very seldom performed here unless there are banns to publish, a wedding, or a funeral.
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> "Llandulais.—This church is a barn-like building with large holes in the roof, evincing every symptom of neglect and discomfort.
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> "Llanfihangel, Abergwessin.—No service performed in this church five out of six Sundays for want of a congregation.
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> "Llanfihangel Bryn Pabuan.—Divine service not often performed here, except a wedding or funeral takes place. The vicar rides by on a Sunday afternoon, but seldom has occasion to alight and do duty from the want of a congregation.
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> "Llanfair tref Helygon.—The parish church was in ruins many years ago, the oldest inhabitant does not remember it standing.
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> "Llandegly.—The clergyman is forbidden to have his horses in the churchyard, but he puts in two calves; the school is held in the church, into which the belfry opens, which is open to the churchyard. Calves are still turned into the churchyard, and I was told still sleep in the belfry."

He would not now further trespass on the attention and indulgence of the House by reading the remaining papers he held in his hand, which contained extracts from the Reports of his own Commissioners, who had also visited the localities above mentioned, and many others in addition. He would content himself with repeating, that what he had just read was not the report of the persons he had himself employed lately to make inquiries into the real state of things, but merely that of the persons appointed by Government, which he hoped intended to find a speedy remedy for such melancholy neglect as existed with respect to the spiritual ministrations of the Established Church; and in consequence of the official report above alluded to, he (Sir B. Hall) had himself employed persons to go round the diocese and see how far it was correct; and if he was to publish all the facts he had received from his own sources of information, it would fill a very large pamphlet, and would exhibit, as far as the dignitaries of the Church were concerned, a more disgraceful state of things than he believed had ever existed before in the discipline of any religious body, whether heathen or Christian. It might be said that there were four archdeacons, and that they ought to assist the bishop, and that all these abuses were not to be laid to the charge of the bishop alone. It was very true there were four archdeacons, and he (Sir B. Hall) had applied to one of them, and asked why such neglect was suffered to exist; and he had been assured that the archdeacons were prevented or forbidden to act. For these reasons he contended there must be an inquiry; and if bishops continued to be sent into Wales to promote the interests of the Established Church who understood and cared little or nothing about the language, the manners, or the character of the natives, they could not be surprised that dissent was most popular, and Romanism becoming rampant; and the latter was decidedly rapidly increasing in the Principality, which was the result of the systems so long pursued by Anglo-Welsh bishops. A fair question might be put, which was that he was very ready to state abuses, but what remedy could he propose? He (Sir B. Hall) could not have looked over these things Session after Session without endeavouring to apply his mind and understanding to find some remedy for these gross, and he would add deliberately followed-up, abuses. His plan was this—he would say: Take the whole of the property of the archbishops and bishops, deans and chapters, whether sole or aggregate, and let the real working clergy have a good and proper income. The Archbishop of Canterbury had an income of 15,000*l.* a year, with two palaces—an income which many sovereign princes did not possess. He would say, let him have the same income as the Prime Minister of the Crown. His noble Friend had very truly observed, that the secularities of the bishops diminished very much the efficacy of their spiritual functions. He quite concurred in that opinion; his remedy, therefore, would be to send them out of the House of Lords, and make them attend to their dioceses. He would give between two and three thousand a year to the bishops, and he would raise the position of the minor clergy. He would get rid of such miserable examples of ecclesiastical poverty as were exhibited by clergymen in his own country, who were obliged to live on from 25*l.* to 30*l.* a year, and who had to walk five or six, seven or eight miles to perform the services of the Church, whilst those who received the large incomes were seldom qualified to perform them, and lived at a great distance from what ought to be the scene of their labours. There were 353 churches in the diocese of St. David's, and only 454 services; whilst in some there were no services at all. Let them, therefore, pay the working clergyman, and get rid of the absentee incumbent, who did nothing, and took the money. He would have no clergyman receive less than 200*l.* a year, and none receive more than 500*l.* or 600*l.* a year. And as to church extension, he believed that within the Church itself there were ample means not only of promoting that object, but of entirely getting rid of church rates, which were productive of so much dissension, and were so objectionable in themselves. His object was, in fact, to make the Church efficient and useful to the community, so that the people could respect it—to make the Church of which he was a member a blessing to the country at large; but if there were dignitaries in the Church, who received enormous incomes, whilst the working clergy were kept in a state of miserable poverty—if there was such a want of discipline and consistency that a bishop could one day at a great public festival not only sanction the acts but pronounce the most exaggerated laudation upon the conduct of one of his clergy, and the next desire his dismissal from the benefice for the same conduct which he had previously so much applauded—if a bishop could one day consecrate a cross, and the next day order its removal—if a bishop could one day say that flowers were not to be used at the altar, and the next say they might if they were not used in too great a profusion—if a bishop said one day that his clergy should preach in white surplices, and the next that they must mount the pulpit in black gowns—when they saw these gross inconsistencies, this total want of all steady principle of action, and when they had also such instances of extortion and neglect as was demonstrated in some of the cases he had brought forward, while there was such a determined system of peculation as regarded Church property, how could it be supposed that the Church Establishment would be respected, or how could the bishops suppose (as set forth in their address to the Queen), that whilst such abuses were unreformed, that the people would press forward in favour of Church Extension?

Mr. MORRIS said, with respect to the remarks of the last speaker, with reference to the Bishop of St. David's, that the manner in which his Lordship discharged the duties of his high office, his unbounded charities, his attention to everything that could contribute to the advantage of his diocese, formed a striking contrast to his predecessors. He had performed a task in which very few succeeded; that of obtaining a complete mastery over the Welsh language; and he had observed him several times extort praise even from the Dissenters. He wished that the charges brought forward by the hon. Baronet (Sir B. Hall) had been made in the presence of the Bishop of St. David's, so that he might have had an opportunity of replying to them. The collegiate church at Brecon was in a dilapidated state long before the present bishop came into the diocese; and he believed that its condition was at present somewhat better than it had been. But the bishop had no more to do with it than any Gentleman in that House, for if he did not derive his income from that source, it was paid by the Ecclesiastical Commissioners. Any one who knew the high character of that excellent Prelate, his private worth, his learning, and his high attainments, would join him in protesting against the attack of the hon. Baronet.

Mr. A. B. HOPE said, that, in rising to make a few observations upon the Motion before the House, he must add his sincere tribute to the admirable tone and temper and to the great ability with which the noble Marquess brought forward this most interesting question. No one could have heard his statement without feeling the sincerity with which he had brought forward his scheme, and without desiring to co-operate with him as far as possible. He (Mr. A. B. Hope) did not think, however, that that scheme was as complete as it might have been made; there were various features in connexion with it which the noble Marquess had not explained so fully as he might have done; and there were various provisions, various measures of Church reform, which he (Mr. A. B. Hope) thought that the noble Marquess might have adopted to a greater extent and with greater boldness than he had done. His scheme divided itself into two parts—parochial extension, and episcopal extension. With regard to parochial extension, all must feel the miserable deficiency of our parochial ministrations, and must sympathise with the poor of our Church; but he very much doubted if any scheme so purely technical and statistical as building 600 additional churches throughout England, adding nineteen clergymen in one town, and fifty-two in another, could ever meet the evil. There was not that want of more churches or more parishes so much as there was required that more opportunities should be afforded to the poor man of going to church. They wanted more clergy—they wanted more services—not services only between half-past ten o'clock and eleven o'clock, but services at all hours that would most meet the convenience of the poor man, whose time was not his own, but was taken up by administering to the luxuries and comforts of others. He would call their attention to the effects of multiplying in their towns a body of men who were as hardworked and underpaid, and in every respect as deserving of attention, as the curates of country places—he meant the overworked perpetual curates in large towns—men who were planted in a neighbourhood where the ground was not broken, to sow the seed with a miserable income and with bad arrangements, perhaps in alienation from the Church on account of the too lordly bearing of the incumbent of the undivided parish. If there was any system that would tend to weaken the Church, it was the system of indiscriminate parochial division. It divided their strength, and scattered one man here and another there, without the means of doing good—frittering away their money in building churches, when, by the endowment of two or three more clergymen in existing churches, they would do what would prove more efficacious. No person could believe that he was opposed to the multiplication of churches; but the idea that that great work would be done when they built five churches, and twice as much would be done when they built ten, was a fallacious idea. Let them increase the staff of curates, let them have chapels of ease, depending upon the mother church, and securing something like co-operation and unity; let there be something like elasticity in the application of their funds, so that they might bring them to bear where most wanted—so that they would bring to bear the exertions of the clergy in every part of the parish at certain times, and they would do something more efficacious and lasting, because more centralised, than could be done by this system of a district church here, and a district church there, which were inefficient, because the one clergyman, overworked during the week, cannot give his attention early and late on the Sunday, at those hours when religious instruction would be thankfully received and accepted. Again, in large towns there were meeting-houses and Roman Catholic chapels where there were services at various hours, according to the requirements of the people. Did not the ministers of religion connected with those chapels go forth to meet their flocks half-way, and lead them into the fold, and not merely open the doors of the fold at hours that had become traditionary, because they were devised for the advantage of certain classes of society (the rich), who seemed to have a patent of heaven? But instead of going to the root of this evil, and seeing how the Church might become more efficacious, it was merely proposed to double the number of existing churches without any inquiry or arrangement. Then, again, he would call attention to the plan of building and endowing churches by means of the Lord Chancellor's livings. To that he had strong objections. It was true that livings were now saleable, but it was a different thing to say they were saleable, and to say it was desirable, because livings were saleable, that 600 livings should be brought at once into the market. The evils arising from the sale of livings might be great, or they might be little; but if they were not great, it was occasioned by the state of the market. Cases of flagrant corruption had arisen from the disposal of this species of merchandise; and if they brought into the market the Lord Chancellor's livings, they would, at the same time, bring to bear the wildest speculation on the most sacred things. Let them create speculation with regard to those livings, and it would be like the speculation in fashionable chapels—one of the greatest blots on the Church. They would bring the evils resulting from that system at once to bear in an aggravated shape on the Church, by bringing all those Lord Chancellor's livings into the market at once. He could not conceive anything more objectionable, or that would tend more to alter the feelings of respectable laity than this sale of the Lord Chancellor's livings. They would call the people, in these times of religious division, to whom they looked for a disinterested support of the Church, into the market as competitors, raising, as they must do, the passions of men—making them in self-defence bid against each other for those livings. That was what they must do, if they enabled the more unscrupulous members of the different parties to come into the market to bid for those livings. They must swamp the Church on the one side or on the other by the sale of livings which were established for the promotion of the gospel of peace and truth. With respect to the proposal regarding the incomes of deans and bishops, he confessed he did not very clearly understand what that was meant to do. He did not know whether it was meant to gather the funds from the present deans into a common stock, and then divide them again amongst the bishops, or whether the deans were actually to be converted into bishops, keeping the present bishops as they are, so that they would have twenty-seven master-bishops and twenty-seven curate-bishops—the former with the present incomes, the latter with the much smaller ones of the deans. If that were the proposal, it appeared to him to be a very clumsy and ill-advised method of increasing the episcopate. If the episcopate was to be respected, it must be brought back, as the hon. Member for Marylebone (Sir B. Hall) had stated, to the condition of a working episcopate—an episcopate of which each bishop would be the head and centre of his diocese, and all equal (the bishops as distinguished from archbishops) among themselves; but if they adopted a bad arrangement, they would only bring the episcopate into contempt. If they multiplied their bishops, they must multiply their cathedrals, and they must not be cathedrals, as they were now, where the canons might or might not attend, as they thought proper. There must be working bishops at the head of the working mother churches of the district allotted for each diocese. The improvement must not be effected by a half measure, which would only defer that inevitable day when, if episcopacy was retained amongst them, it must be retained as a practical and working body. Well meaning though the scheme which had been brought before them was—well intentioned as it was—brought forward as it was with the purest motives, he could not at all regard its two main features as being more than timid expedients to heal over a wound that had sunk too deep for such remedies. The bishops, clergy, and laity combined—that corporation of the Church of England was every day more moved by the deep feeling that they ought to have some voice in its control; and they had seen that already the Bishop of Exeter had held his synod, while the *Record* had pronounced the question of synodical action one of great and growing importance. He did not think that the House of Commons—composed of Churchmen who were unwilling to interfere in the concerns of this denomination, and of members of other denominations, who, as honourable men, were unwilling to interfere in the concerns of the Church of England—would find itself competent to form a scheme for the reform of the Church of England; and he did not think the Church of England would thankfully receive such a scheme. The great cause on trial now was one on which the Church had a right, legally and morally, to speak for herself. The cause was so great that they had seen both parties claiming for themselves a fair hearing as members of the Church of England in deciding what that Church really is. In such a time as this, when men's hearts were stirred to their very bottom—when plausible palliatives and all the devices of a less earnest generation were clearing away, a scheme prepared by a Commission, however respectable, and carried by a Vote of that House in one night, could not meet the requirements of the Church of England. The Church would have her convocation so soon as the Sovereign chose to give effect to the promise that it should be called together whenever occasion required; and causes were in operation—causes on which the existence of the Church depended—that would lead men of both parties in the Church to claim the right to meet and decide for themselves, and by themselves, what the circumstances of the Church demanded. The noble Marquess had done great justice to the subject in the speech he had made. That speech was listened to with attention, and having made that statement, he trusted the noble Marquess would consider he had done all that was right, and would not press his Motion to a division.

Mr. A. B. Hope

SIR GEORGE GREY said, that having listened attentively to the speech of the noble Lord (the Marquess of Blandford) who had proposed the Resolution now before the House, he must express the great satisfaction with which he had heard it; and he concurred in the observation made by the hon. Gentleman who had just sat down, that no doubt would be entertained of the earnestness and sincerity of the noble Marquess in promoting the important object he had in view. That object, as described in his Motion, was to address Her Majesty to direct the adoption of such measures as She might deem expedient for affording more efficient relief to the spiritual wants of the people, and for an extension of the parochial system corresponding to the growth of a rapidly increasing population, by the help which might be drawn from the resources of the Established Church itself. Before, however, the House could agree to this address, he thought it ought to be made fully aware of the nature of the step which it was now called upon to take. The question it became them to ask was, what was the specific measure which the address pledged the House to adopt. It certainly had occurred to him, on reading the address as it stood on the paper, before the speech of the noble Marquess was delivered, that in its terms it was indefinite and vague; and, considering what had already been done upon this question, he thought it undesirable to address the Crown again in such terms, unless there were pointed out specific measures that could be taken by the Crown, or by Parliament at the suggestion of the Crown, tending to promote the object the noble Marquess had in view. In the course of his speech, however, the noble Marquess did state some measures which he thought it would be proper to adopt. He began by alluding to the spiritual destitution existing among a large portion of the people—a destitution which he (Sir G. Grey) thought could not be denied, whatever opinion might exist as to its causes. He could not enter upon the question whether, as suggested by the hon. Member for Montrose (Mr. Hume), the noble Marquess had made sufficient allowance in his calculations for the religious instruction communicated by those who dissented from the Church of England; but he must say that, after making liberal allowance on that head, they must come to the conclusion that a large number of the inhabitants of this city, and of other large and densely-peopled districts of the country, were most inadequately provided with the means of religious instruction, whether within the Established Church, or among the Dissenting community. But the question arose—was there any legislative practical remedy for that destitution? Was there any particular measure Parliament could adopt that would apply a remedy to the evil? He admitted the vast importance of the moral and religious instruction of the great mass of the people, not merely with reference to those higher interests that were involved, but also with regard to others of a more subordinate character, such as the maintenance of order and peace throughout the country through the existence of a well-conducted moral and religious population; and he thought that every exertion ought to be made to promote that great object. No exertion for the attainment of that object could be too great if it were made with discretion. The noble Marquess had referred to the existence of spiritual destitution, and he next referred to the means available for relieving that destitution; and he (Sir G. Grey) concurred with the noble Marquess in thinking that, in so far as an improved management of Church property, with the view of making it more valuable, could accomplish that object, it was one which it was in the highest degree desirable to carry out. They must all admit that if the property vested in the Church did not produce sufficient funds, or if they were not applied to the spiritual wants of the people, it was desirable that a remedy should be applied: but how was Parliament to provide for the accomplishment of that object? On retracing the history of the last few years, it was obvious that this was a subject that had occupied much of the attention of that House. When the Ecclesiastical Commission was established in 1835, the purpose aimed at was the same as that now before the House, namely, to render more available the property of the Church towards providing for the spiritual wants of the people—to introduce reforms in cases where persons were receiving large revenues, and not performing duties, and to restore those revenues to channels in which they might be made useful for spiritual purposes. He would not enter into a discussion as to the manner in which the business of that Commission had been conducted, but would simply say that much had been done to accomplish the object which the Commissioners had in view. Following up that step came what was called Sir Robert Peel's Act—a most valuable measure—by which a large sum borrowed from the Commissioners of Queen Anne's Bounty was placed in the hands of the Ecclesiastical Commissioners to provide district clergymen in various parts of the country. From a return made to the House it appeared that the augmentation of small livings by the Commissioners amounted to an annual sum of 44,000*l.*, drawn from capitular and other property, and representing a capital equal to 1,400,000*l.* In addition to this sum about 31,000*l.* a year had been provided under Sir Robert Peel's Act, making an annual sum of 75,000*l.* towards the relief of spiritual destitution. There were, besides, voluntary grants from private funds to meet grants made by the Ecclesiastical Commissioners. Independently of these two measures to which he had adverted, two Commissions had been recently appointed—one a Commission for inquiring into the best mode of subdividing large parishes, and the other to inquire into episcopal and capitular revenues, in order to render them more available for Church purposes than at present. The first of these Commissions had made a report, and a draught of a Bill had been prepared, based upon their recommendations, relative to the subdivision of parishes. That Bill now stood for the second reading. The Commission on Episcopal and Capitular revenues had presented two reports, and a Bill founded upon them had been brought before the other House, having for its object to remedy the evil so much complained of by the hon. Baronet (Sir B. Hall), namely, the taking of fines on the renewal of leases. That Bill had been sent to a Select Committee; but it was of course doubtful whether it could be carried through Parliament this Session, because he must remind the House that it was not merely the dry question of whether the property of the Church might be increased in value, that they had to encounter, but many other questions, as to the rights of lessees and their property — rights, not strictly legal, but equitable in their nature, and of very long standing. Looking to the terms of the Commission which had been issued, it would seem that one of the principal means to which the noble Marquess looked for the attainment of the end he had in view, was in progress of accomplishment; and if the Motion was agreed to, and the address was carried to the Throne, he was not aware that they could receive any other answer, than that the Crown had already taken the measure which was contemplated by the address. There would then be this objection to the Motion, that it implied those measures had not been taken which in effect were in progress; nor had the noble Marquess shown any short method by which they might arrive at the solution of the difficulties which were already under the consideration of a Committee of the House of Lords, which, if it did not report in time for the Bill under their notice to become law this Session, would clear the ground for its consideration next Session. The noble Marquess went on to state that the only other means to which he looked was the adoption of the recommendations contained in the Second Report of the Committee on Subdividing Parishes, that there should be a sale of Church livings in the gift of the Lord Chancellor to raise a fund for the erection of churches. If the object of the noble Marquess was to pledge the House to the principle of that recommendation, and to ask them to take measures to carry it into effect, the proposition should not be made indirectly, the House should have the subject brought clearly before them, and it should not be implied by an address so very general in its terms as that which had been moved by the noble Marquess. With respect to this question, however, he must observe that while he might concur in the recommendation of the report, if limited to the sale of some of the smaller livings, with a view to induce private persons to endow them on account of the patronage; he strongly objected to the whole of the Chancellor's livings being sold by what, in effect, would be public auction. First, such a proposition would take away the patronage which the Minister exercised on the part of the Crown; and, as had been observed by the hon. Member for Maidstone (Mr. A. B. Hope), in the present state of the Church there would be this further objection, that parties would be bidding against each other for those livings, and that associations would be formed for their purchase, which he thought very undesirable. The sum, moreover, stated by the Commissioners, would not be sufficient for the erection of the 600 churches they contemplated; and he did not think the House ought to express an opinion in favour of such a recommendation, unless the question were distinctly brought before them in its whole bearings, and fully investigated. He agreed very much with what had been said by the hon. Member for Maidstone (Mr. A. B. Hope), that building churches was not the most important object to be attained. It was a feature in the Act of Sir Robert Peel, that it did not contemplate the building of churches by the funds which it provided. The whole of the sum borrowed from Queen Anne's Bounty funds was applied to the maintenance of additional clergymen; and the result was, that the sums being so applied, churches were built by private funds. The hon. Member for Maidstone had said, the increase of clergy was more desirable than the increase of churches; and in that view he (Sir G. Grey) concurred. He also thought that great power existed in the hands of the authorities of the Church for providing further means to meet spiritual destitution, by sanctioning, under episcopal control, the agency of laymen as assistants to the parochial clergy. Having shown the House that the Crown had taken those measures which the noble Marquess called on them to take, and having expressed his opinion that they ought not to pledge themselves to an approval of a recommendation of doubtful policy, he was disposed to meet the Motion of the noble Marquess by moving the previous question; not because he (Sir G. Grey) did not concur in his object, but because the Motion would lead to an erroneous view of the opinion of the House, and they might be supposed to have pledged themselves to a course they were not prepared to take. As to the Amendment of the hon. Member (Mr. Hume), he admitted it would be desirable to obtain the information, but it would be years before they could obtain it. They would have to apply to every individual connected with Church property, to lessees and others, and after all they could only get a very imperfect return; while the Commission had, he believed, obtained much of the information the hon. Member desired, though they had experienced the same difficulties, as the House would find, in getting it. With regard to the speech of the hon. Baronet (Sir B. Hall), he must confess himself unable to follow him through the minute details of particular cases he had thought it his duty to lay before the House. He could not go into the particulars of the revenues or of the conduct of bishops and deans, which did not necessarily relate to the Motion of the noble Lord (the Marquess of Blandford), but would rather confine his remarks to that Motion. He would say, however, that to many of the evils alluded to, a prospective remedy had already been applied by Parliament. The present mode in which the income of the Bishops was regulated, was, no doubt, open to great objection; but the hon. Baronet had not adverted to the fact that in the Act of last year provision was made, as far as possible, for remedying that evil. [The right hon. Baronet then read the 17th clause of the Act of 1850.] He felt bound to object to the Amendment of the hon. Member (Mr. Hume); and, whether the House adopted it or not, he would move the previous question as to the Motion of the noble Marquess.

MR. SIDNEY HERBERT said, he very much regretted the decision to which the right hon. Baronet (Sir G. Grey) had come, because, he thought, if the nature of the Motion before the House was such as to admit of a doubtful interpretation, that doubt must have been removed by the temperate manner in which the Motion had been introduced by the noble Lord (the Marquess of Blandford), and by the very able advocacy which it had received at his hands. The name of the noble Lord was already identified in an illustrious manner with the history of this country, and he (Mr. S. Herbert) was certain, if the noble Marquess, applying himself to the subject which he had that night brought forward, should succeed—and by perseverance he would undoubtedly succeed—he would earn the gratitude of this country to a degree not less than that which had been already awarded to the name which he bore. The hon. Gentleman the Member for Montrose (Mr. Hume) said, in estimating the amount of the spiritual destitution in England, they had omitted to make any allowance for those persons and classes who had the advantage of the ministrations of the different dissenting persuasions. Now he (Mr. S. Herbert) was not disposed in any degree to undervalue the zeal by which those ministrations had been conducted. He held, politically, all nonconformity had a claim not only to the widest toleration, but to the most extensive and uninterrupted religious liberty; and he rejoiced to see those different denominations pushing forward and developing themselves for the purpose of carrying the lights and the consolations of the gospel into parts of this country which they had not reached. But the noble Marquess said the Church of England was one persuasion out of many. The noble Marquess claimed no other consideration for the Established Church from that House. The noble Marquess did not say to the Dissenters, "We are the Church, and you are not the Church;" but he said, "Let us develop our own resources to the utmost extent to which they will go. If we can make proselytes from heathenism, so much the better; if we can make proselytes to the Church, that is our right; all we ask is a fair stage and no favour, and the right to extend our own influence with our own resources, so far as they will go." It was perfectly true that the Commission which was appointed on the Motion of his noble Friend the Earl of Shaftesbury had made a report which was to a certain extent embodied in the Bill which the Government had laid on the table of the House. That Bill had a most important object in view, because it would give independence to such of the clergy as were working on small stipends in very large and populous districts, and who were obliged to pay over the dues which they received to the incumbents of the mother church, the principle being that each should be paid for the work he had done, and that no one should be paid for the work done by another. But the Commission made a further report, of which the right hon. Baronet (Sir G. Grey) disapproved. In that report they recommended that the livings now in the gift of the Lord Chancellor should be sold for the purpose of creating a fund, with a view to Church extension. The right hon. Gentleman said—and he (Mr. S. Herbert) agreed with him—that it would be better to apply the proceeds of that sale to the increase of the clergy and to the multiplication of congregations, rather than to the building of churches. He (Mr. S. Herbert) thought, of the two, the former was the preferable object. To have congregations must be the first consideration. A church was rather a luxury to religion than a necessity, and they must first have congregations. The right hon. Gentleman must pardon him if he differed from him entirely as to the propriety or the impropriety of the sale of these livings; the sale of them would not deprive the Crown of its patronage. The livings which were nominally in the gift of the Prime Minister were the Crown livings, but these were not Crown livings; it was the patronage of the Chancellor, *quasi* the Chancellor. If the House thought they ought to remain with the Lord Chancellor, then he (Mr. S. Herbert) said, the proposal of the noble Lord the Member for the City of London was an answer to that; for, in his first Chancery Bill, he proposed to take them away from the Lord Chancellor. If they were to remain in the gift of any official functionary, he (Mr. S. Herbert) proferred that they should remain in the hands of the Lord Chancellor rather than of the Prime Minister. He recollected the perfect storm of indignation which was raised in the House of Lords when somebody objected to the Lord Chancellor giving a living in Wales to a man who could not speak Welsh; but the greatest amount of malversation that could be brought against the Lord Chancellor in disposing of his Church patronage was, that when some lawyer deserved well of the Lord Chancellor, who was not of sufficient distinction in the profession to obtain a high appointment, he had some brother, or other relation, a most respectable and eligible person, who answered very well for a Chancery living, and thus Church patronage was administered for the benefit of the law. [Mr. B. OSBORNE: What is the case of the bishops?] We are not proposing to increase the patronage of the bishops. The Lord Chancellor necessarily used his patronage for the purpose of furthering the advancement of the profession over which he was placed; and he thought the Lord Chancellor might conscientiously administer Church patronage for the benefit of the law. But if the House turned that patronage over to the Prime Minister, he greatly feared that it would become virtually the patronage of the Secretary of the Treasury, and they could do nothing which would more shake the confidence of the public in the Church than to place the Prime Minister in a situation which would enable people to say—he (Mr. S. Herbert) did not say justly or truly—that any appointment which he made in the Church was made for such and such political services. For his part, he should greatly rejoice to see that patronage diffused throughout the country; for he thought the connection between the laity and the Church might be strengthened by such indirect means. If these livings were sold, he should be glad to see persons who in their localities were most zealous in these matters, and, in looking after these matters, purchase them. He very much doubted that the effect would be, as had been argued, that in the present excited state of feeling, parties of extreme opinions would purchase advowsons to advance their opinions. That would be an argument against Sir Robert Peel's Act, and against any Church extension; but the fact was, that the value of advowsons had never been so low as during the last six or seven years, since there had been so much excitement in the Church. He put his vote on the ground that there was a great and lamentable deficiency in the religious instruction of England; and he said every denomination and every Church had a right to fair play in pushing their opinions. At this moment they had a Church pressing forward in the most energetic manner to propagate opinions which a great portion of hon. Members in that House, of whom he was one, held to be unscriptural and unsound, and to have a most deleterious effect on the constitution of society. If the House was going to meet the creation of bishops of a hostile Church by no other measure than by saying those bishops should not call themselves by certain names, the House would not be the winner of that game. They must have recourse to measures something more energetic and something more likely to meet the difficulty, than that to which he had alluded. Of the two noble Lords—the noble Lord opposite (Lord John Russell) and the noble Lord behind him (the Marquess of Blandford), the two champions against Papal aggression—give him (Mr. S. Herbert) the noble Lord behind him (the Marquess of Blandford). Such a Motion as the one before the House was the proper way in which that aggression ought to be met. Everybody might have seen in that morning's papers a statement that was made of the zeal which animated the head of that Church, and how the methods formerly in use, of selling indulgences, were to be carried on for the purpose of Church extension for the Roman Catholic Church in London. Was the House prepared to sit still, and make no counter movement? The noble Lord (the Marquess of Blandford), in the Motion he had submitted to the House, expressed their willingness to make such a movement. The right hon. Baronet (Sir G. Grey) said the noble Lord (the Marquess of Blandford), and those who acted with him, had brought forward no specific measure. The right hon. Baronet could not have forgotten that the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) only last year proposed a measure of episcopal reform; that right hon. Gentleman last year proposed a great extension of the Episcopate, for the purpose of giving to the bishops the power of really exercising episcopal functions, instead of making them isolated beings, of a rank so high, on the one hand, that their clergy could not approach them, or, on the other, of giving them so much work that their clergy could not see them. He did not say that was an accurate description of all their bishops. His right hon. Friend the Member for the University of Oxford made a proposal on the purely voluntary principle. He proposed to contribute funds for the propagation of the doctrines of the Church of England, and to create bishops without any charge whatever to the State. The question whether they should increase the number of bishops in the House of Lords was insignificant in comparison with the object which his right hon. Friend had in view. He (Mr. S. Herbert) did not think it any advantage either to increase or diminish the number of bishops, so that the action of episcopacy might be increased. He himself likewise ventured to propose to the House a plan for the restoration to their right and proper duties of the chapters in England. He said those were institutions expressly created for this very purpose, but which were allowed to slumber in comparative inutility; and he asked the House to assist him in endeavouring to infuse the ancient vigour into those establishments, and again to apply them to the purposes for which they were originally created—namely, the diffusion of religious and secular education throughout the country. But he was not successful in that Motion. He contended, therefore, that the right hon. Baronet (Sir G. Grey) ought not to say that hon. Members on his (Mr. S. Herbert's) side of the House had brought forward no specific measures on this subject. He, and those with whom he acted, had distinct and clear ideas how the Church of England ought to be reformed, and how her ministrations and her pure scriptural doctrines ought to be carried not only into every cottage, but into every cellar, court, and alley in the great cities of this country. They made the proposal now under consideration; and he hoped the House would think that the noble Lord (the Marquess of Blandford) was not travelling beyond the province, of an independent Member of Parliament in making this Motion, which he (Mr. S. Herbert) trusted the House would, on a division, affirm.

SIR ROBERT H. INGLIS said, that he should not be thought presumptuous in asking the attention of the House for a few moments on the subject of Church Extension; for, as the hon. Member for Montrose had reminded the House, Church extension was, some years ago, a subject which he (Sir R. H. Inglis) had taken the liberty to bring before it, with some hope of success; and though he was defeated on that occasion, it was by a majority no larger than seventeen. When he brought that question before the House, he asked not for Church extension founded on Church means, but Church extension as a national object; and all the Members of Her Majesty's late Government voted with him on that occasion. His right hon. Friend the Member for Wilts (Mr. Sidney Herbert), had stated in his admirable speech, that in the present instance, the noble Lord (the Marquess of Blandford) asked for nothing more than the development of the Church for her own special purposes; but the larger part of the debate thus far had proceeded not so much on the importance of Church extension, nor even as to the best mode of effecting it, as upon certain alleged abuses which had occurred in respect to the management of the capitular and episcopal estates, and in respect to residence in Wales and non-residence in Ely, and in the different districts and parishes of the country—subjects which were not at all introduced by the Motion of the noble Marquess. But the whole matter of the former debate, in which the hon. Gentlemen the Members for Marylebone and Montrose took so prominent a part, turned upon the question of property or no property, of salary or no salary. Salary was the word which the hon. Member for Montrose applied to the income of the bishops. The hon. Member might as well say the income of all the dukes in England was their salary; for whatever might be said as to the higher obligations on which the bishops or individual clergymen held their property, this at least was clear, that they held it on the same tenure as the dukes in this country held their estates. The hon. Member for Marylebone talked first of "robbery," and then he softened the word down to "peculation." He alluded to the way in which the Bishop of London dealt with the property of which he became possessed when he was consecrated a bishop. That particular property—at least, that at Fulham, indeed, was the very oldest property of which we had any record in this country, and the income was as legitimately his as that of any noble Lord in the land. The hon. Member introduced an element into the discussion calculated to mislead parties. He (Sir R. H. Inglis) heard some one near him say, that the Bishop of London had only a life-interest in his property. That was very true; but what were the interests of the Dukes of Devonshire, Bedford, and Rutland, in their estates but life-interests? Then there was another fallacy introduced into the discussion, with reference to the year 1836, when the agreements were made on which so much stress had been laid. But he (Sir R. H. Inglis) would ask his hon. Friend (Sir Benjamin Hall) whether it was not true that the two individuals on whose crimes he had dilated in so touching a manner, with a view to excite the indignation of the House, held at that time, and irrespective of the later arrangements, the very sees which they now held? The hon. Gentleman had stated that the Bishops of London and Winchester had each received by a large amount a greater sum than their successors would ever receive from the emoluments of their sees; but the hon. Gentleman had kept out of view the fact, that those receipts were not taken under the terms of the agreements made in 1836. He was on the Commission for inquiring into the Episcopal Estates; but though he had been placed on that Commission at the request of a dignitary of the Church, he had never brought himself to sign the report, for he considered they had no more right to inquire into the property of these Prelates, than they had into the property of any other individual. He would ask, had not the labours of the Ecclesiastical Commissioners resulted in ascertaining an amount of tabular information on which hon. Gentlemen might dilate and found their complaints? They had done more than that. They had furnished the hon. Member for Montrose, and the hon. Member for Marylebone, with materials for heaping the greatest possible amount of obloquy on the Bishops of England. Bearing that in mind, he (Sir R. H. Inglis) could be no party to any proceedings carried on with reference to the Church by those hon. Members. But he desired other hon. Members to form their own opinions, and decide for themselves. He would pay his tribute of praise to the temper and talent displayed by the noble Marquess in his speech; but he would ask the House to read carefully the last lines of the noble Marquess' Resolutions, and then to say whether they did not contain such propositions as that House could not assent to in their present form. If hon. Members looked to the last lines of the Resolution, they would find that the House was called upon to make an invidious distinction between the livings held by the Crown, and those in the gift of the Lord Chancellor. The livings which were in the *Liber Regis* above 20*l.*, in the gift of the Crown, were given away by the Prime Minister; but the livings under 20*l.* were in the gift of the Lord Chancellor; but in both cases they were alike connected with the authority and prerogative of the Crown. He begged to be understood to say that, to his own knowledge, the present Lord Chancellor had exercised his privilege with an anxious desire to discharge his own responsible duty to the real wants and benefit of the Church. It was but just to the present noble Lord who occupied the office of Lord Chancellor to say that he had done so. An hon. Gentleman had referred to certain statistics which had been furnished by a leading Dissenter in respect to the number of Dissenters and members of the Church of England; but he had the strongest reasons for distrusting those calculations. Whatever might be said of the proportion of Dissenters to Churchmen in some large towns—a proportion greatly overrated—this was clear, that in 8,000 parishes dissent had made no progress at all. Therefore, supposing church accommodation were needed there, Dissenters had done nothing to provide it. Admitting that church extension was wanted, there were several modes suggested by himself on a former occasion, by which that want could be supplied. One was by the multiplication of the number of ministers, another by that of churches; another by the multiplication of church services. On the Statute-book there was an Act which conferred a discretion on the Crown to create twenty-four suffragan bishops. This would, no doubt, be a valuable power to exercise. But the point at issue was as to the best plan of Church extension. One plan proposed the sale of a large portion of the patronage of the Crown; another a forced sale of the patronage of capitular preferments, which patronage was to be torn from the management of its owners. The first of these might be advantageous, though, individually, he was himself most strongly opposed to it; the other he should certainly regard as an act of spoliation. He trusted the House would not, by a side-wind, give such a proposition either sanction or encouragement. He could not support the Resolutions, but must record his vote in favour of the Amendment of his right hon. Friend.

Mr. ALCOCK said, he was decidedly averse to the proposal of selling the livings in the gift of the Chancellor for the purpose of building churches in other parishes. Such a proceeding was contrary to every principle of justice and sound policy. The proceeds from the sale of the advowsons ought to be applied to the livings themselves. To take the case of Ludlow, where the living was only 160*l.* a year, and where there was a population of 5,000, surely it would be most unfair to apply the money which might be obtained by the sale of the benefice to another part of the country. He believed that the country required 600 new churches; but he strongly objected to the mode proposed by the noble Marquess for raising the funds necessary for their erection. He believed that if the voluntary system were properly put in force, the people of this great country would cheerfully contribute the necessary funds. With regard to the observations which had been made respecting the Lord Chancellor's livings, he would merely remark that the fact was notorious, that those livings were amongst the least improved livings in the kingdom. How could it be otherwise, when the Lord Chancellor took no interest in them? The Commissioners set the annual value of those benefices at upwards of 200,000*l.*, and represented that they would sell for ten years' purchase; but this was an entire fallacy, for many of the smaller benefices would not realise more than two or three years' purchase.

Mr. GOULBURN said, that while he felt he was not competent to enter at any length into the subject, he could not help expressing his cordial approbation of the tone and manner in which the noble Lord (the Marquess of Blandford) had introduced the question; and he was the more rejoiced at that tone and manner, considering the high personal character of the noble Marquess. He (Mr. Goulburn) felt sure that he was only expressing what must be the general feeling of the House, when he expressed the gratification which he had derived from witnessing one filling so high a station, and possessing so commanding an influence, as did the noble Marquess, manifest so deep an interest in the welfare of the great body of the people of this country. He trusted that the noble Marquess would emulate the conduct of a noble Lord who had now been called to another place—he meant the Earl of Shaftesbury—in his desire to diffuse religious instruction throughout the country. The object of the Motion, as he understood it, was to promote the usefulness of the parochial clergy and the sphere of operation of the Church. He (Mr. Goulburn) thought that if, after the manner in which the noble Marquess had introduced this subject, the House showed an anxiety to get rid of it by dividing upon the previous question, the country would naturally impute to them a disposition to entertain feelings at variance with those which had been expressed by the noble Marquess. If, on the other hand, the House proceeded to divide upon the Motion of the noble Marquess, and he should succeed in carrying his Motion, feelings of bitterness might be created in the breasts of the opponents of the Motion. He, therefore, thought that the course likely to be productive of most good would be that of adopting the Motion without division. As he had not been prepared for the statement of the hon. Baronet the Member for Marylebone (Sir B. Hall), he was not in a position to enter into it fully, but there were some portions of it to which he would address himself. He did not doubt the hon. Gentleman was actuated by the feeling of not misrepresenting or mis-stating facts, but the hon. Gentleman had, notwithstanding, erred; and as the error might have a prejudicial effect, he (Mr. Goulburn) thought it necessary to correct him in some particulars. The hon. Member for Marylebone said, and no doubt truly, that in the statements he made he was solely actuated by a desire to promote the interests of the Established Church; but those statements would scarcely appear to other friends of the Church calculated to effect that object. The greater portion of the hon. Baronet's statements applied to a condition of things, to a state of the law, which no longer existed, and the recurrence to which as a topic could only lead to angry feelings, unproductive of any practical result. The hon. Gentleman had gone into details with respect to the Ecclesiastical Commission, and the conduct of those who had acted under it, and he stated that a certain number of bishops received a larger income under it than they had returned; but the discrepancies in the returns did not arise from the acts of the bishops, but from the fault of the Act of Parliament. The Act which constituted the Commission did not apply to the then existing incumbents, but was made prospective, and was to apply to future incumbents; and the hon. Baronet, as a Member of Parliament, was more to blame for the defects of the Act, than the bishops who made returns under it. The hon. Baronet had particularly complained of the returns made by the Archbishop of Canterbury, and the Bishops of London, Winchester, and Durham, and of the smallness of their contributions to the fund placed at the disposal of the Commissioners; but he had neglected to mention that they had expended a sum of not less than 64,000*l.* for the objects of the Commission. The hon. Gentleman had also made some severe remarks with respect to tithes in the bishopric of Ely, and directed those remarks against the present holder of that see, forgetting that the present Bishop of Ely had nothing to do with them, and that the cause of complaint had been anterior to his holding the living, and he was therefore entirely innocent with respect to the complaints made. Again, with regard to the Bishop of London, the hon. Gentleman censured that prelate for not giving a proper return, also forgetting that the Bishop of London was in possession of the see before the Act of Parliament came into operation, and that the Act was to have a prospective effect. The hon. Gentleman ought to test the efficacy of the Bishop of London's proceedings not by referring to returns alone, but by looking at the altered state of the important district placed under his spiritual superintendence—he alluded more particularly to Bethnal Green and other poor districts, and by drawing a comparison between the time when the bishop commenced his spiritual control, and the present. The state of his diocese was very different now from what it was some years ago; and although he had received a large income, he had not devoted it to luxurious expenditure, but principally for the purpose of erecting churches and providing means for the spiritual instruction of the poorer classes. Then, again, with respect to the Bishop of Winchester, it was said that he received the same sum now which he did before the passing of the Act of Parliament; but in his case also the appointment had taken place before the passing of the Act. He then came to the Bishop of Durham. In the case of that right rev. Prelate the hon. Baronet had not stated the important fact that, during seven years, he had expended for the purposes of the Church a sum not less than 30,000*l.* Under these circumstances he thought the hon. Gentleman was not justified in making an attack on those prelates. The charge against the Bishop of Rochester, as to his not having visited the Cathedral of Rochester, might be most easily disposed of. Although the bishop was designated as the visitor of the Rochester Cathedral, yet it was not on that account his duty to be continually paying visits to that edifice. All that was implied by the expression "visitor" was, that the bishop was the party to deal with any complaints that might be made with regard to that ecclesiastical institution. The hon. Baronet had also said that there was no instance of any bishop giving up any of his income for the public good; but from what he (Mr. Goulburn) had already said, it appeared that the hon. Baronet had but little foundation for making that statement. The Bishop of Salisbury, said the hon. Baronet, had never given up anything in his own person for the promotion of the public welfare; but that very bishop was the first that expressed his approval of the proposal to reduce the episcopal incomes. Then, again, with respect to the Bishop of St. David's. It was stated that he had not discharged his duty, inasmuch as he had not provided for the repairs of the Cathedral of his diocese. Now with respect to that point great legal difficulties had arisen, which the Commission of which he (Mr. Goulburn) was a member, had under their consideration, and with which the bishop was not at all chargeable. The bishop had done all in his power to remove those difficulties, but had, like the Commissioners, been unsuccessful in his endeavours to place matters in a satisfactory state. In fact, he (Mr. Goulburn) contended that nearly all the abuses which had been pointed out would be found to be of a date antecedent to the accession of the present holders. The hon. Baronet said that he would have no bishops and no clergymen with incomes above 500*l.* a year. Desirous as he was, therefore, for an extension of the parochial system, he was not prepared to accept it at the expense of the sacrifice which the hon. Gentleman called upon him to make. He could not agree that 500*l.* was a sum which no clergyman's income should exceed; neither could he, as a member of the Episcopal Church, which had been from the earliest times connected with the State, consent to the abolition of that order in whose efficiency, he believed, consisted the main instrument for the civilisation of this country, nor to refuse them an income which should occasion them to be respected by all classes of the people. It was because we had rescued ourselves from abuses formerly existing, and were now contributing with one heart and voice to advance the interests of the Church and of the country, that he could not consent to the Amendment of the hon. Member for Montrose.

Mr. HORSMAN said, that all that could be said in favour of the Motion of the noble Lord (the Marquess of Blandford) had been so well said by him, and all that could be urged in favour of the Amendment had been so well said by the hon. Member for Montrose (Mr. Hume), that he would not have ventured to present himself to the House but for the observations of the last speaker (Mr. Goulburn). All that had been said divided itself into two propositions: first, that there was spiritual destitution in the Church; and, secondly, that there were means in the Church itself for providing for that destitution. He believed that it had been fully and satisfactorily proved that while we had a Church the most richly endowed of any in the world, we had also a population the most neglected that any Christian country could exhibit. The revenues of the Established Church could be shown, by Parliamentary returns, to be very nearly 5,000,000*l.* a year. With the exception of the five most powerful States in Europe, namely, England, France, Austria, Prussia, and Russia, he doubted if there was any European country whose revenues, for the support of its army, navy, and civil establishment were greater than those of the Church of England. We had also a population in a condition so destitute and deplorable that all the efforts of all the societies which have lately in so laudable a manner been established for the purpose of ameliorating it, had failed to overtake the evil. That was the fact. Then how did the case stand? There were resources in the Established Church. Then why were they not applied to remedy this state of things? His hon. Friend (Sir B. Hall) had shown that the cause lay in the maladministration and in the bad distribution of those funds, so that they were rendered inefficient. What did the returns show? They had placed before them various suggestions by which this destitution might be relieved. The hon. Member for South Wiltshire (Mr. S. Herbert) would excuse him for saying that he would only embarrass himself and the House so long as he passed by the plain and obvious remedy to give them others far more far-fetched, and complicated, and questionable, in place of those immediately at hand. What was the obvious remedy? They had these revenues administered by certain parties, ecclesiastical dignitaries, of whom it was plain that they had too much power, and too little responsibility, and of whom the noble Marquess who brought forward the Motion said that they had too many secular and too few spiritual functions to which they could attend. Well, the dignitaries of the Church were the administrators of those revenues, and they administered them in such a manner as to intercept them on their way to the poor. That was the statement of his hon. Friend behind him (Sir B. Hall), and he (Mr. Horsman) thought that he had proved it clearly. Let them take the case of the highest dignitary of the Church, the Archbishop of Canterbury. 15,000*l.* a year was the Parliamentary income of the Archbishop of Canterbury, and he was possessed of two palaces so magnificent that it was matter of notoriety that it had cost him between 20,000*l.* and 30,000*l.* to take possession of them when he was appointed. The value of all the benefices and other preferments in his gift, amounted to between 60,000*l.* and 70,000*l.* per annum. Well, they were told that they might sell the Lord Chancellor's livings; that they might run out the leases of lessees; nay, more, they had even had a Bill before them which proposed to take away the free sittings from the poor, and put them up for sale; and these were the remedies that were suggested for the removal of existing evils. But the plain and obvious remedy of taking off that superfluity, respecting which every one in that House was pretty well agreed, was passed over. He believed that every man, with the exception, perhaps, of the hon. Member for the University of Oxford (Sir R. H. Inglis), had made up his mind that 15,000*l.* a year for a bishop of the Church was more than any other country in the world would allow for such a purpose. Then came 10,000*l.* per annum, 7,000*l.* per annum, and so on, until within seven years we had a sum of 600,000*l.* received by the Episcopal bench in fines alone. The first remedy then, he maintained, was to take away that superfluity from the dignitaries at the head of the Church, and distribute it among the poor who were in want of it. He might be told that he was not a friend of the Church for making such a proposition; but he would affirm that it was not in the statement of abuses, but in the becoming champions of those abuses, that the real danger to the Church arose. It was said by the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn), that his hon. Friend (Sir B. Hall) had attacked the Bishop of London and the other bishops for having received incomes which were given to them by Parliament; while with the enacting of the law that gave them those incomes, they had had nothing whatever to do, yet that they were held responsible for it. But that was a statement very different from what his hon. Friend did say. What he asserted was that the Bishop of London had been one of the Commissioners appointed to inquire into the revenues of the Church of England, and that he was one of those who signed the report of the Commission, recommending what the income of the bishops should be; that in that Report it was recommended that the future income of the Bishop of London should be 10,000*l.* a year, and that that recommendation had been adopted and carried into effect; but that, notwithstanding, the Bishop of London retained for himself a much larger income, while he approved of a diminution in the case of his successors. That was what his hon. Friend stated. He (Mr. Horsman) had no wish to dispute the justice of the encomiums that had been passed upon the Bishop of London; but when they were about to test the generosity of a prelate, they must consider, not what he gave, but what he retained. If, out of an income of 15,000*l.* a year, a Bishop of London gave 10,000*l.*, he then retained, and deserved some credit for retaining, perhaps, not above twice as much as a bishop ought to be contented with; but if a Bishop of London, out of an annual income of 50,000*l.*, gave away 10,000*l.*, he would not give him credit for as much generosity. Then it was said his hon. Friend had referred to bygone abuses; but that if he could show any such great abuse existing at present, he would be more justified in stating them. Well, he (Mr. Horsman) would give an instance of very great and flagrant abuse existing at this moment; and he really thought that the circumstances of the case which he was about to reveal required some explanation. Notwithstanding the startling statement that had been made by his hon. Friend near him, he would venture to say that the House would pronounce the proceeding he was about to mention, one of the most extraordinary ever known of any bishop, or ever sanctioned by any public assembly. He had yesterday put a question to the noble Lord at the head of the Government, respecting the estate of Horfield, a matter which he had more than once brought before that House, but with regard to which he had never been able to obtain a satisfactory explanation; and with the permission of the House he would now state what were the facts of the case. The estate of Horfield was situated near the city of Bristol. It was let upon a lease of three lives in 1817 by the then Bishop of Bristol. Two out of the three lives dropped in 1831, when Bishop Gray was Bishop of Bristol. Bishop Gray did not renew the lives when they first dropped; he attempted to do so afterwards, but not coming to terms with the lessee, he gave up the idea of renewal, and said that he would leave the remaining life to fall in for the benefit of the see, instead of his own family. Bishop Allen succeeded Bishop Gray in 1834. Bishop Gray's determination had been made known to Lord Melbourne, who is said to have repeated it to Bishop Allen, on his appointment, and to have stipulated with him that he should not renew the lease which Bishop Gray had anticipated would fall in to enrich the see. Bishop Allen is stated to have accepted the bishopric on these terms. He was translated from that see to Ely in 1836, and on leaving it he wrote a letter to the Ecclesiastical Commission, which was read before the Committee, in which he stated that it was his opinion that the estate should be allowed to lapse to the see. Then the present Bishop of Gloucester and Bristol was made bishop of the united sees, and he took possession of his diocese in 1836. Thus there was an understanding that the lease was not to be renewed, and the understanding was so clear that no pledge was asked of the new bishop, and nothing was said to him on the subject. Nothing was done from 1836 until 1842, when the one remaining life, Dr. Shadwell, was taken ill, and there were then rumours afloat that the bishop intended to renew the lease. The Ecclesiastical Commissioners, upon hearing the rumours, told their secretary to communicate with the bishop on the subject, which he did, reminding him of the understanding that had been come to, and hoping that he would not think of renewing the lease. The bishop replied that he felt insulted by the suspicion — that if he renewed, he thought he should be doing something unbecoming a bishop, and that would leave a lasting reproach to his family; and he said that he was sorry that the Commissioners could suspect him of acting so very — a blank is then left for a word or epithet—and the sentence concludes "a part." The Commissioners, on the receipt of the bishop's letter, desired their secretary to write and tell him that they were sorry for having wounded his feelings, and, apologising for what they had done, concluded by saying they were much comforted by the assurances contained in his epistle. This took place between 1842 and 1847. In 1847 the Ecclesiastial Commissioners had to make an arrangement about the future income of the Bishop of Gloucester and Bristol. They found that the see would be able to produce more than 5,000*l.* a year, and they decided that a contribution should be made by the future bishop of 700*l.* a year to the Episcopal fund; they determined also to take possession of Horfield, and passed an Order in Council for that purpose, vesting the estate in themselves after the next vacancy. Under these circumstances, the Commissioners might well be surprised, at the commencement of the year 1848, when they received a communication from the Bishop of Gloucester and Bristol, telling them it was his intention to renew the lease, and giving them the refusal of it, provided they paid down a sum of 11,500*l.* They were astonished, for they had already written to the bishop, reminding him of the moral obligation under which he lay not to renew. The bishop's reply was in effect this, "I know nothing of this moral obligation; I have a legal right; the fine is 11,500*l.*; pay it, and save the estate, refuse it, and I will renew the lease and alienate the property from the Church." The Commissioners, acting no doubt from good motives, but, in his (Mr. Horsman's) opinion, most improperly, agreed to deal with the bishop, and to pay the 11,500*l.*; but they endeavoured to carry the arrangement into effect, not openly and in public, but by a private transfer. The matter was submitted to their solicitor, who, however, declined to sanction that transaction; he refused the responsibility, and told them that they must prepare a scheme, and procure an Order in Council. The scheme was prepared, and placed in the hands of the Attorney General, and it was supposed to be within twenty-four hours of being ratified when the matter came to his (Mr. Horsman's) knowledge, and he questioned the Attorney General in the House on the subject. He did not get a satisfactory answer; and he then appealed to the noble Lord at the head of the Government not to sanction the order until he had read the evidence which had just been give before a Parliamentary Committee. The noble Lord consented, and in the end he refused to ratify the scheme. But the worst was still to come. Last year Dr. Shadwell died, and now they had it in evidence, by a Parliamentary return, that the Bishop of Gloucester and Bristol, by his own act and deed, had renewed that lease, his own secretary being the lessee, and his own children being, as it was reported, the lives put in the lease. Was there any other public department in which such a transaction would be permitted? Was there any man, except a dignitary of the Church, that would venture to carry out such an act with so total an indifference to the opinion of the public? He (Mr. Horsman) had not yet been able to obtain any explanation of the terms on which the renewal of the lease had taken place; but he knew that Mr. Finlayson calculated that three young lives put into the lease depreciated the value of the property 90 per cent. To the noble Marquess opposite he felt grateful for the Motion which he had proposed. These questions demanded and would obtain serious consideration. Public opinion out of doors would soon override all Parliamentary majorities or Ministerial Amendments on this important subject. A feeling was spreading far and wide that we must reform our Episcopate, or have no Episcopate at all—that we must reform our Church establishment, or have no Church establishment at all. There were many Churchmen both in that House and out of it who, before a few short years elapsed, unless these crying abuses were rectified, would make up their minds that it was better to have religion independent of an establishment, than to have an establishment administered in such a manner as to make it independent of religion.

Mr. LOFTUS WIGRAM said, he regretted that the present occasion should have been used for indulging in personal reproach and recrimination. Certain subjects had been introduced into the discussion unjustly, because it was most improper to bring forward charges against individuals without previously giving notice. Everybody knew what colour might be given to an *ex parte* statement. He admitted the existence of the statements in the blue book to which he observed the hon. Baronet (Sir B. Hall) referred; but if notice had been given that charges were to be founded upon those statements, parties in that House would have been prepared to meet them. The Bishop of Winchester had been selected as one against whom certain charges might be made; but he believed it would be found upon inquiry that that prelate had abstained in many cases from disposing of leases or patronage of great value. And with regard to the Bishop of Ely, any one who visited the cathedral there would bear testimony to the propriety which distinguished everything connected with it. He hoped, therefore, that the House would not allow itself to be borne aside by the collateral discussion which had taken place, from the real subject under consideration. The noble Lord (the Marquess of Blandford) showed that a strong necessity existed for more relief for the spiritual wants of the people, and an extension of the parochial system. Upon that proposition, the hon. Member for Montrose (Mr. Hume) had moved an Amendment, to which he (Mr. L. Wigram) could not give his support; because years must elapse before the inquiries suggested by the hon. Gentleman could be completed, and the object of the noble Marquess would be entirely defeated. With regard to the Motion, he must leave it to the noble Marquess to say, after the suggestion which had been made to him, whether he should press his Motion. He (Mr. L. Wigram) thought his object might be sufficiently answered by the expression of opinion which it had elicited; but if he went to a division he should support the Motion; at the same time not considering that he should be committing himself with regard to any specific vote upon the disposition of the Crown revenues. If the Motion was carried, it would give a practical impulse to the object at which it was aimed; if rejected, the benefit of that impulse would be lost, and a damp would be thrown upon the object which the noble Mover had in view.

Mr. BOOKER regretted the absence of his hon. Friend the Member for East Somersetshire (Mr. W. Miles) on this occasion, because he thought the statements which had been made as to the conduct of the Bishop of Gloucester and Bristol, and the charges brought against that right rev. Prelate, were enough, if unanswered, not only to damn the character of any member of the Established Church, but to damn the character of any man. He hoped, however, that the House would pause before they came to any verdict upon the conduct of the right rev. Prelate; and he (Mr. Booker) might be allowed to remind them of the circumstances to which reference had been made. Hon. Gentlemen would remember that some years ago there occurred in the city of Bristol most revolutionary riots, and that during those riots the episcopal palace in that city was destroyed by the mob. He (Mr. Booker) recollected that after the amalgamation of the sees of Gloucester and Bristol difficulties occurred in providing for the prelates of those sees an episcopal residence; and he believed it was after combating those difficulties as far as he could, that the present right rev. Prelate—than whom a more learned, a more pious, a more exemplary, or a more efficient Prelate did not exist in the Established Church—was thrown back upon his original right in the estate of Horfield. He was satisfied that that right rev. Prelate would be able to vindicate his character most triumphantly; and he must express his regret that any elements of discord had been introduced into this debate, which was commenced in a spirit of the greatest kindness and good feeling.

Mr. BERNAL OSBORNE agreed with the hon. Gentleman, that after so grave a charge had been made on the authority of a Member of the House of Commons, no time ought to be allowed to elapse unnecessarily without some answer or contradiction being given to that charge. He believed it was in the power of a right hon. Gentleman then present to give some information to the House on the subject; and he begged to ask the right hon. Member for the University of Cambridge (Mr. Goulburn), in his capacity of an Ecclesiastical Commissioner, whether, having heard the statement, he would be content to sit silent, or was prepared totally to deny the charge?

Mr. GOULBURN said, that as an Ecclesiastical Commissioner, he had no more cognisance of the manner in which the Bishop of Gloucester and Bristol disposed of any lease he might have to renew, than he had of the mode in which any other bishop or person might dispose of property. All he knew was, that the arrangement the Ecclesiastical Commissioners intended to make with the Bishop of Gloucester and Bristol for the purpose of securing by a legal enactment the manor of Horfield to the see in perpetuity was put an end to; and of what had since been done he (Mr. Goulburn) had no idea.

The MARQUESS of BLANDFORD, in reply, said he had to thank the House for the patience with which they had considered the subject, and the nearly unanimous feeling which had been expressed as to the importance of the question. He concurred in the greater part of the opinions expressed by the hon. Member for Montrose (Mr. Hume), who, he believed, was actuated by a sincere desire to see efficient reforms effected in the Established Church. He entirely concurred with the hon. Gentleman in the principle of his Amendment, that it was desirable, as far as possible, to obtain an insight into the property of the Church; but he thought, after the opinion which had been expressed by several hon. Members, it might be better if the hon. Gentleman would consent to withdraw his Amendment, at least for the present. He must say, in reply to the observations of the right hon. Baronet the Home Secretary, that there was no definite proposal before the House, that he thought in the course of the discussion a number of very definite propositions had been made. He did not wish by his Motion to bind hon. Gentlemen to any particular views, but merely to put forward a broad proposition that the spiritual destitution of the people was a most fitting subject for the consideration of that House. He would, therefore, take the sense of the House on the Motion.

MR. HUME said, that as he was most anxious to support the noble Marquess, he would willingly withdraw his Amendment, and he hoped the House would assent to the Motion without a division.

Amendment, by leave, *withdrawn.*

SIR GEORGE GREY said, there had been a very general consent on the part of the House to the principle involved in the Resolution, that it was desirable, as far as possible, to promote the more efficient relief of the spiritual wants of the people, and to extend the parochial system by means drawn from the resources of the Church itself. He had before said, that if this Resolution pledged the House to adopt the recommendation for the sale of the Crown livings, he thought it would be most inexpedient to adopt it. The right hon. Member for the University of Cambridge had objected to that recommendation, but at the same time expressed an opinion that the principle of the Resolution might receive the assent of the House. On the distinct understanding, then, that no opinion was expressed favourable to that recommendation, and regarding the Resolution as merely expressing an opinion in which he believed they all concurred, that every practical means should be taken to effect the object of the noble Marquess, though he did not think it possible that Parliament would at present take other means beyond those now in operation, he would not offer any opposition to the Motion.

Main Question put, and *agreed to.*

CARRIAGES.

SIR DE LACY EVANS moved for leave to bring in a Bill to alter the duty on carriages. There were above 100,000 artisans employed in the manufacture of carriages; and their objection to the present duty was that it not only diminished the revenue, but the trade in carriages. He proposed not a remission of the tax, but a modification of it; by which he believed the revenue would not in any way suffer. The duty at present varied from *5l.* 1*s.* 5*d.* to 1*l.* 5*s.*; and the right hon. Chancellor of the Exchequer must be aware that the carriage trade was in a declining state, and that the revenue from that source was also declining. Ten years ago the number of exemptions was returned as 25,000, and now it was 45,000. The advertisements of carriages for sale "under tax, or exempt from tax," showed how this duty was evaded. He proposed that in future there should only be three classes of vehicles subject to tax—four-wheeled carriages, drawn by two or more horses, should pay 3*l.*; four-wheeled carriages, drawn by one horse, should pay 2*l.*; and vehicles with two wheels should pay 1*l.* annually. He also proposed that agricultural vehicles should be altogether exempt from duty.

Motion made, and Question proposed, "That leave be given to bring in a Bill to reduce the Duty on Carriages."

The CHANCELLOR OF THE EXCHEQUER hoped that the House would not agree to the proposition of the hon. and gallant Member. He concurred with him in thinking that some alteration might be made; but after the financial reductions which had already been effected, he trusted that he should have time given him to pause, and that he should not be asked to go further during the present year. The hon. and gallant Member said that no loss would be sustained by the revenue in consequence of the proposed alteration; but this was an assertion easily made, though not so easily justified by proof. He did not think that in the present year he ought to be called on to sacrifice more of the public revenue than had been sacrificed already. Even if the House thought it necessary that this branch of taxation should be reviewed, a reasonable time ought to be allowed for that purpose. If the income tax had been renewed for a series of years, it might have been possible to have carried into effect the remission proposed by the hon. and gallant Member; but in its present shape it was impossible.

Mr. HUME said, that the tax on carriages was now not more than it was ten years ago, and this was a proof that frauds were committed.

Mr. P. H. HOWARD said, he concurred that the exemptions led to an infinity of fraud; but in the present state of the finances, he thought the hon. and gallant Member would not advance his cause by pressing his Motion to a division.

Sir De LACY EVANS said, that as the right hon. Gentleman the Chancellor of the Exchequer had almost given him a promise that he would consider the subject, he would beg leave to withdraw his Motion.

Motion, by leave, *withdrawn.*

THE EGYPTIAN OBELISK—CLEOPATRA'S NEEDLE.

Mr. HUME moved for an Address to Her Majesty, "That She will be pleased to give directions that the granite Obelisk given by the late Mahomet Ali to the British nation may be brought to England." The obelisk which had been presented to the French nation had long since been conveyed to France; and it was a reproach to England that that which had been presented to the English nation, and which might be conveyed here for 6,000*l.* or 7,000*l.*, was permitted to remain buried in the sand. The Army and Navy subscribed in 1801 to bring home this obelisk, but the proceedings were put a stop to by the admiral on the station.

Motion made, and Question proposed—

"That this House will, To-morrow, resolve itself into a Committee, to consider of presenting to Her Majesty an humble Address, that She will be pleased to give directions, that the Granite Obelisk, given by the late Mahomet Ali to the British Nation (which Obelisk is now lying on the beach at Alexandria), may be brought to England, and that this House will grant such funds as may be requisite to bring it to and erect it in an appropriate situation in England."

The CHANCELLOR of the EXCHEQUER could not consent to the Motion without further consideration. The report of Sir Gardiner Wilson and other travellers was to the effect that the inscriptions on the column itself were so much injured that it would be scarely worth while to incur the expense of carrying it to this country at all. However, the question of expense was not quite so clear as the hon. Member seemed to think. The cost of conveyance would probably be much larger than 7,000*l.* [Mr. Hume: I will undertake to bring it to this country myself for that sum.] The offer was certainly a tempting one, but he did not think it would be quite fair to take the hon. Member at his word. He hoped the hon. Member would withdraw his Motion, and he (the Chancellor of the Exchequer) would promise that the question should engage the serious consideration of the Government. He certainly did think that the subject was one which required further deliberation.

Colonel DUNNE thought it was a barbaric practice to remove these momuments of antiquity from their appropriate scenes. The money would be much more advantageously expended if allocated to the purposes of the Dublin hospitals.

Motion, by leave, *withdrawn.*

The House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, July 2, 1851.

Minutes.] Public Bills.—Conveyance of Mails by Railways.

2° Ecclesiastical Residences (Ireland); Churches and Chapels (Ireland); United Church of England and Ireland; Pharmacy.

Reported — Burgesses and Freemen's Parliamentary Franchise.

ECCLESIASTICAL RESIDENCES (IRELAND) BILL.

Order for Second Reading read.

Mr. NAPIER, in rising to move the

Second Reading of this Bill, which related to residences for the Parochial Clergy, said, he would observe that there were two other Bills of his on the paper of the day, one referring to the erection and support of Churches and Chapels by private endowment; and another, entitled the United Church of England and Ireland Bill, having in view the consolidation, amendment, and repeal of old statutes, save so far as existing rights were concerned. His object was to introduce such provisions as might make a complete and satisfactory code on the subject. In attempting to do so he had taken care that there should be no interference with vested rights. The 3rd George II., c. 12, and the 31st George III., c. 19, were fair specimens of the patchwork system of legislation. He had gone over all the Acts relating to the subject, and had extracted such of their provisions as had appeared to him just. Forty-one statutes had been consolidated and amended, and selections had been made from fifteen other statutes, some of which applied only to England. With regard to the Bill respecting the residences of the clergy, he had to observe, that by a recent Act of Parliament residence was a duty enforced under a penalty; and, therefore, the providing and maintaining a suitable residence was properly considered as a charge on the profits of the benefice. One of the earliest Acts, 10th William III., c. 6, recited—

> "That the mansion houses of the clergy had been ruined and destroyed by the frequent wars and rebellions that have happened in this kingdom, whereby residence has become very difficult, and is like to continue so, unless due encouragement be given to rebuild and repair the former houses, and to erect new houses."

That was the first Act on the subject. Under that Act, and those connected with it, the person who first took the benefice and built a mansion for the purpose of the benefice, was allowed to expend one and a half year's income, and was at liberty to charge two-thirds against the successor who first received a year's income. That Act was subsequently modified, and the law at present was, that two years' income might be expended when the building was on a new site, and one and a half year's income when it was on an old site. There seemed to be no reason now for this distinction, and he proposed in the new Bill to make two years' net income the limit of the expenditure in all cases. With regard to the claim of the original builder against his successor, he could recover from his successor at present the entire sum expended. That person recovered three-fourths from the next, who recovered one-half from the next, who recovered the remaining fourth from the next. That system worked with great injustice, and it was well illustrated by a case that recently came to his notice. The case was that of an original builder, who had built in 1795, and who had a charge exceeding 600*l.* He lived twenty-two years, and his successor thirty-four years. The present incumbent was presented lately by the Bishop of Limerick; but the living is not worth now more than 150*l.* a year, and yet he had to pay three-fourths of the charge—that was to say, more than three years' income for a house fifty-six years old. Now, in such a case, the liability was not equally distributed. What he had to propose was, that the first party going to build should present a memorial, stating the necessity for building, and that the report made thereon should be certified by the bishop. It was then proposed to give the first builder a certain number of years' enjoyment of the charge, which he proposed should be liquidated at the rate of 2 per cent annually, so that each person would recover against his successor the amount of the charge, minus the reductions for the period of time which he had enjoyed it. The charge would thus exhaust itself, and every person would pay a proportion of the entire building in reference to his period of enjoyment. The next point he proposed in the Bill was the adoption of the principle contained in what are called in England the Gilbert Acts—viz., a power of raising funds by mortgage for the purpose of building, to be repaid by easy instalments, payable by the incumbent for the time being. The present mode was to compel by sequestration; but that was expensive—it was only available when an incumbent had been two years in possession, and it handed over the proceeds sequestered to the refractory party to expend them. Under the new code the bishop would be bound to superintend the proper expenditure. The next point related to perpetual curacies. Formerly, by Act of Parliament, the power of charging was limited to 50*l.*, because, when the law was made, the Board of First Fruits were empowered to make free grants in aid; but that fund was now transferred to the Ecclesiastical Commissioners, and was now wholly diverted from its original purposes, so that the limitation which, when made, was a boon, was now a grievance. He proposed to remove that grievance, and to put perpetual curates on the same footing as other incumbents with respect to it, and to give all classes of the resident clergy equality of privileges, and open facilities for private endowments. The next point related to a registration of charges, so that every incumbent might know the extent of his liability. He now came to that part of the Bill relative to the law as to dilapidations, than which law in its present state nothing could be more unjust. It too often happened that clergymen in Ireland died in a state of poverty, and that their families were left with scarcely any means of subsistence, and yet, according to the present law, a heavy charge might be brought against them for dilapidations. It was always assumed that the residence was to be, and could be, kept in a state of undiminished repair. He hoped the House would allow him shortly to refer to the opinions of several eminent prelates on this point. The Bishop of Limerick wrote, "It has added many a bitter ingredient in the cup of the fatherless and the widow." The Bishop of Down and Connor, "The law is in a very uncertain and unsatisfactory state." The Bishop of Kilmore, "As to the building charges and dilapidations, the law requires complete revision and explanatory enactments." The Archdeacon of Cork, "There is no subject requiring legal revision so much; the results sometimes so distressing to the families of deceased incumbents." The return made to the Bishop of Tuam by the archdeacon and rural deans stated—

> "The necessity of providing for building charges upon institution to a benefice has at all times been inconvenient and embarrassing; but the difficulty is much increased by the reduction of parochial income, and the subdivision of benefices. To promote a poor clergyman to a benefice for which he may be in every other respect peculiarly eligible, would be in many instances to consign him to hopeless insolvency. The practice with regard to dilapidations is grievous and ineffective. If a clergyman dies in distress (as many do now-a-days), his successor must either resort to legal proceedings against the widow and children, or make himself responsible for repairs."

The return then referred to the state of the present incomes, and showed the average of the beneficed clergy to be an average of 190*l.* net per annum. The return from the Bishop of Killaloe, after going over similar complaints of the oppression and injustice of the present law, stated, "It is most earnestly desired that the law of dilapidations were altered." It stated the average income of the beneficed clergy at about 120*l.* net per annum, and in some places that the incumbent was actually out of pocket, and concluded thus:—

> "That as matters stand at present, the income of the clergy is scarcely more than the interest of the money which it costs to educate them for the ministry."

Now, what he proposed to do on this part of the subject was, that the repairs should be classified and divided into branches; first, ordinary annual repairs; secondly, substantial and permanent repairs. He proposed that the first should be executed at the exclusive charge of the occupier; and that the second should be a charge on the benefice as a building charge. In estimating dilapidations, he proposed it should be considered: first, what should have been done by the incumbent at his own cost; second, what by way of charge; third, whether there had been negligence in not executing the latter at the proper time; and, fourth, whether proper diligence had been used in obtaining indemnity for dilapidations which existed before his incumbency. Under the present law the incumbent could rebuild and charge; but if he made repairs he could not charge. He thought all would be placed on an equitable basis if permanent repairs were placed on the footing of building charges. He also proposed to introduce a provision to enable a clergyman to ask for a commission to inspect the house, and to see that it was in proper repair, and to obtain a certificate that it was so. There were also provisions for insuring, and with respect to unsuitable residences. The residences built in former times by incumbents were in many cases not suitable to the present time, and yet the incumbents were obliged to keep them in repair. He should propose that such large or unsuitable houses might be sold, and more suitable ones purchased. The Bill also provided a power of leasing the glebe, and of securing uniformity both as to charges and dilapidations. There were several minor matters of improvement in detail, which were more fit for consideration in Committee. Such were the leading provisions of the Bill regarding ecclesiastical residences. The second Bill related to the endowment of Churches and Chapels. It had become necessary in consequence of the public aid formerly given for the building of Churches and Chapels having been withdrawn. Rates and cesses had been abolished, first fruits had been transferred, and public grants had been refused. It was important that religious earnestness should be challenged and voluntary aid stimulated for the building and endowment of Churches and Chapels. Of these there were three classes, namely, Proprietary, Parochial, and District chapels; and endowments were necessary as regards the site, the fabric, and the minister. The object of the present Bill was not to give any new powers, but to combine the provisions of the several statutes, commencing in the reign of George II., and to concentrate in any case in any class the separate provisions for a peculiar class. In the margin of each section the previous Acts and sections were given. The grounds for the Amendments were two important facts: first, the large and increasing demand for Church extension; and, second, the inadequacy of the funds of the Ecclesiastical Commissioners to meet these demands. In the Report of the Committee on Ministers' Money in 1848, it was stated that upwards of ninety-nine school-houses and other places were licensed for public worship, and that in every one there was a sufficient congregation, but no church. In the diocese of Cork alone there were from forty to fifty such places. In many of these cases a contribution from private funds was ready. It also appeared that of 249 applications for rebuilding, 116 had been granted, and 133 postponed for want of funds; that of 294 applications for enlargement, 51 had been granted, 243 postponed for want of funds; that 17,458*l.* had been contributed by private subscriptions to the first, and 14,806*l.* to the last. He might mention that in two counties—Down and Antrim—thirty-three churches had been built within the last twenty years, and that eight had been rebuilt. In 1845 the Lord Primate stated that 100,000*l.* of private subscriptions and upwards had been contributed within twelve years for the purpose of church accommodation. By the abolition of church cess in Ireland, the cost of building, rebuilding, repairing, and enlarging of churches was defrayed out of Church property, and by voluntary effort. In the Report of the Ecclesiastical Commissioners last year it was stated—

> "In noticing the aid afforded by private subscriptions, we have to add that in many cases the commissioners have been unable to avail themselves of similar assistance, as the state of their funds did not admit of the necessary contributions, on their part, for the completion of the works proposed. It is with great regret that we feel called upon to state for your Excellency's information, that the revenues of the commissioners are quite inadequate to meet the demands upon them. And in order the more accurately to inform themselves on this subject, the commissioners directed an inquiry to be made, and an abstract prepared, of the nature and extent of applications received for the rebuilding, enlargement, and internal painting of churches, and the enclosure of churchyards, the result of which has been that the estimated cost of these and other necessary church works amounts to the sum of 260,000*l.*; and it is to be observed, that even this sum does not represent the entire wants of the churches, for the commissioners are assured by the episcopal members of the board, that many applications are withheld by the clergy from their knowledge of the total inefficiency of the funds at their disposal."

That showed that there were wants to be supplied, and demands to be met. With regard to the number of chapels built and not yet endowed, it appeared that their number from 1834 to 1847 was seventy-one, and that several were in progress, and many not specified. His object was not to give new powers, but to combine the provisions of former Acts together, so that parties might more readily avail themselves of the Acts in existence relating to churches and chapels. Trustees, where the present endowment was inadequate, might co-operate with persons who were willing to endow or to augment present endowments, of course giving them corresponding rights of presentation. It would be a very great advantage to combine public sanction with private effort; but, unless private aid were large and liberal, the public sanction could not afford a permanent and adequate supply. His object was to put the Church in good working order, and to enable it faithfully to fulfil its mission. He had never wished to sanction any of its abuses, and had ever been willing to remove every obstacle which prevented it, becoming really useful to the people. But as every prudent and solid improvement should be encouraged and promoted by Parliament, he hoped the House would now give its assent to the Second Reading of these Bills.

Bill read 2°; as was also—

Churches and Chapels (Ireland) Bill, and

United Church of England and Ireland Bill.

PHARMACY BILL.

Order for Second Reading read.

MR. J. BELL, after presenting several petitions in favour of this Bill, moved, that it be now read a Second Time. The hon. Member said, that the object of the measure was, to improve the qualifications of pharmaceutical chemists, and to establish the principle, that all those who were to compound the prescriptions of physicians and surgeons ought to receive a certain amount of education, and pass an examination, as a test of their fitness for the performance of their important and responsible duties. If it were necessary for surgeons and physicians to pass a preliminary examination, surely it was equally important that the persons who prepared their prescriptions should be also competent to discharge such an onerous duty. The principle of the Bill was not a new one. It was recognised more than 200 years ago, and laws had been since enacted for the purpose of providing for the establishment of that principle, and of protecting the public against the mistakes of ignorant practitioners. In the year 1617, the first incorporation of apothecaries took place. The apothecaries at that time occupied the place now filled by the pharmaceutical chemists, and 114 of them were incorporated together, whose numbers afterwards increased. In 1699, apothecaries were exempted from serving on juries, and from other parochial engagements. In 1748, the body obtained a new charter of incorporation, by which they were invested with new powers. In 1794, an association of apothecaries was formed, which was called "The Pharmaceutical Association," and from that year down to 1815, no further important change took place. For three years previous to 1815, considerable agitation prevailed among the apothecaries in consequence of an attempt that was made to insist upon a certain qualification for the sale of medicines; and in that year an Act was passed, called "The Apothecaries' Act," which, to a certain extent, answered its purpose, and made provision for establishing a test of qualification; but it was accompanied with particular exemptions, which contributed to defeat its object. Amongst these exemptions was one for chemists and druggists, who were at that time so powerful a body, that it was found impossible to carry the Bill in face of their opposition, and so a compromise was made, and they were exempted from the operation of the Act. The examination of the Apothecaries' Company was a general one, and comprehended medical practice in all its branches. From 1815 up to the present time, apothecaries, who have now assumed the name of general practitioners, had been gradually receding from pharmacy, and identifying themselves with medicine and surgery, and, at the same time, chemists and druggists had taken the place which had been left vacant by the apothecaries. If, therefore, it was found necessary in 1748, and at other periods, to introduce laws for the regulation of apothecaries, because they were dispensers of medicine, was it not necessary now, when the system they administered had come into other hands, that similar regulations should be made in the case of chemists and druggists? In 1834, a Parliamentary Committee was appointed, for the purpose of taking into consideration the laws relating to the medical profession. The proceedings of the Committee were going on for several years, and since the date of its appointment no less than nine Bills were introduced for the regulation of the medical profession. Amongst these, four, at least, professed to apply to chemists and druggists, the object being to provide an examination for the dispensers of medicine as a test of qualification. To these measures the most determined opposition was brought to bear by the chemists and druggists themselves, and it was founded upon this reason—in all the Bills that were introduced it was proposed to put the chemists and druggists under the Apothecaries' Company, for the purpose of examination; and it could not be supposed that the chemists and druggists should submit to such a provision. Accordingly, they strongly opposed those Bills which would have referred them for their diplomas to the Apothecaries' Hall. They had no objection to the improvement of the education of the body, but they opposed the Bills that referred them to the Apothecaries' Hall for their diplomas. In the case of one of the Bills, which was introduced by the hon. Member for Kinsale (Mr. Hawes), the remonstrances of the chemists and druggists were so far attended to, that their name was withdrawn from the Bill. But they considered that this course was the worst of all, and that it added insult to injury, as it deprived them of an advantage which was being conferred on others. After a time the leading members of the body assembled together, and agreed upon a plan for the organisation of themselves into a society, as a stepping-stone towards the regulation of the entire body of chemists and druggists. In 1843 they obtained a Royal Charter of incorporation, and had since been in active operation, carrying out the best means of improvement that suggested themselves. It would be admitted by the whole medical profession, that great improvements had taken place in this body during the last eight years. The pharmaceutical bodies in France and Germany had been also improving, and they had been looking to England with some degree of curiosity to see the results of this movement. He knew that it must be admitted that the chemists and druggists in this country were far behind the pharmaceutical bodies in other countries; but if the Bill which he had now the honour of submitting to the House should pass into a law, there was no reason to doubt that, in the course of ten or twenty years from the present time, the pharmaceutical body in England would be equal, if not superior, to that of any country in Europe. According to the present arrangements, the examination of candidates by the Society was a voluntary matter; and accordingly, if a person presented himself for examination, and he was found to be incompetent, and unfit to receive a certificate, he might commence business without one, ignorant though he were, and could snap his fingers at the examiners. In 1846, the late Sir Astley Cooper, when examined before the Parliamentary Committee, said it was necessary to enforce examinations, and that, if they were not enforced, the profession would never be one of much usefulness to the public. It was the object of the Pharmaceutical Society, in introducing the Bill, to make the examination obligatory, to avoid the error into which the Apothecaries' Company had fallen, namely, that of giving a medical character to their examinations, and to make the body strictly pharmaceutical. He had not heard of any serious objections to this Bill, for, though medical men did not pledge themselves to all its details, they were generally favourable to its principle; and all the suggestions that they had made would be carefully considered. The hon. Member for Oxfordshire (Mr. Henley) objected to the Bill on the ground that it would be injurious to individuals who had a vested interest in the trade of drugs; but the Bill was not so strict as any pharmaceutical Bill hitherto introduced. It did not impose a penalty upon persons for merely selling Epsom salts; it simply imposed a penalty upon persons who assumed a name to which they were not entitled. It would, indeed, be an injustice, if, after a man had commenced business in any particular department, the law were to step in, and prevent him from obtaining his daily bread by it; consequently, any improvement which must take place amongst the chemists and druggists in this respect must be of a very gradual nature. All that they could do was to prevent the evil spreading any further than it had done; and as each individual who was now employed in the trade went off the stage, his place must be supplied by a person who had received a competent education. He believed that in the course of ten or twenty years—for it was not for 1851, but for 1870 that they were now to legislate—the advantages of the proposed system would become apparent. The entire subject before them was one of great difficulty and complexity; and it was only by a union between that House and the parties concerned, that they could meet the emergencies of the case, and effect the desired object. It had been said that there was no chance of carrying the Bill, because it was connected with the intricate and various interests of the medical profession, and because the condition of that entire profession ought to be legislated for in one measure. But great care had been taken to keep it separate from medical interests, and not to interfere with them in the least. Upon this account he saw no reason why the Bill should not be passed without difficulty, and that, too, in the course of this Session; for if there were no serious objections to it, there would be no benefit from keeping the question open and undecided for six or eight months longer, while infinite mischief might arise from the adoption of that course. It might be said that a Bill of this nature should have emanated from the Home Office, and ought not to be brought forward by a private Member of that House. On this point he would only say, that he would not have introduced the measure if he could possibly have induced the Ministry to undertake it; and even now he should be very happy, if the right hon. Gentleman the

Home Secretary so desired, to hand over the Bill to him, and he (Mr. Bell) would lend his best assistance towards the passing of a measure which was, in his opinion, calculated to confer so great a service upon the public.

Mr. HUME said, that when the House had had before it for the last twenty years one Bill after another legislating for the medical profession, he had not much faith in the success of any measure professing to regulate that profession. This and preceding Governments had found difficulty enough in dealing with the three medical bodies already in existence—the College of Physicians, the College of Surgeons, and the Apothecaries' Company—and now it was proposed to add another incorporated body to the number. The chemists and druggists were exempted by their own request from the provisions of the Apothecaries' Act of 1815. The hon. Gentleman (Mr. Bell) said that the Apothecaries' Company had gone to another sphere, and that they had become medical practitioners. But in his opinion the duty proposed to be devolved upon this pharmaceutical body ought to be the duty of the Apothecaries' Company. He wished to know whether any inquiry had been made by the Government of the three established bodies to know whether the duties proposed to be given to the new body could or ought to be performed by any of them? It appeared to him that the addition of a fourth Parliamentary body of medical men, invested with a monopoly in its particular business, would only complicate the difficulties of the subject, and interfere with that general measure which it was so essential to have enacted for the regulation of the medical and surgical profession at large. The chemists and druggists were doubtless a very valuable set of men; but it was quite undesirable to remove them from the sphere to which they properly appertained, and in which their usefulness developed itself.

Mr. BERNAL thought that his hon. Friend (Mr. Hume) had been inattentive to the progress which had taken place in public opinion on this subject during the last twenty years. Was he prepared to assert that all the different districts of Great Britain were in such a state of improvement with respect to chemical knowledge that any man might trust his own life and the lives of his family to the care of every person who stuck up the *insignia* of a druggist's trade over his door? Why, it was well known that the greatest ignorance prevailed amongst this class of men, and that some of them did not know the difference between oxalic acid and Epsom salts, or between iodine and aconite. At the same time, he was happy to say that there were persons who followed the profession of chemistry, who were so well acquainted with their business that they were able to exercise a wholesome vigilance over the prescriptions that were sent to them. Was his hon. Friend (Mr. Hume) aware of the beneficial proceedings of the Pharmaceutical Society, and that some of the best chemists in London were members of that society? All that the Bill proposed was, that a certain society, which was already incorporated, should have the power of examining parties and giving certificates, and without these certificates persons should not be allowed to enter the profession. The chemist belonged to one of the most important professions for the benefit and weal of the human race; and a man to whom so much was entrusted ought to be educated and well informed in his business. Up to the present moment the Bill had not received the slightest scintilla of opposition from the medical profession; and his hon. Friend (Mr. Bell) had promised to take into consideration in Committee any suggestions that might be offered. Believing that the Bill would prove highly beneficial to the public at large, he should be happy to give it his best support.

Mr. HENLEY thought that the Bill was rather curiously drawn up. The mover of the Bill disclaimed any wish to turn chemists into apothecaries; but that examination to which he proposed to subject them was so large and comprehensive, that it was not easy to instruct them how the distinction was to be drawn after they had passed that examination. The hon. Member (Mr. Bell) had said he would be willing to make certain alterations in Committee; but he had not intimated to the House what those alterations were, or how he would define the parties he meant to deal with. There were four distinct classes of persons mentioned—namely, the pharmaceutical chemist, the chemist at large, the druggist at large, and the dispensing chemist. Now, he should be puzzled to describe, if asked to do so, precisely what the term "Pharmaceutical Chemist" meant. [Mr. J. Bell said they were all the same class under different names.] In that case the fourfold designation in the Bill only encumbered it, and at all events there must be an interpretation clause. It would be most difficult to exclude from the penalties of the measure a useful class of general dealers in small towns, who sold salts, turpentine, saltpetre, &c. The real state of the case was, that a society set up about seven years ago by Royal Charter, induced many chemists to pay two guineas a year for a fine label, which they put in their window, with the hard words "Pharmaceutical Chemists" upon it; but he believed the bubble had burst, and that the same importance was not attached to the richly-framed label as the poor and ignorant were at first inclined to bestow. People now went for their drugs to some honest respectable tradesman whom they were accustomed to trust, and had lost all faith in these gaudy labels, which were nothing better than show advertisements. The hon. Member for Rochester (Mr. Bernal) said that no petitions had been presented against the Bill. That was the natural consequence of its provisions. Every party now in trade was protected by it. It did not pretend to interfere with patent or proprietary medicines, however injurious they might be. There was no evidence before the public with respect to the examination which parties claiming to be pharmaceutical chemists would have to undergo. He saw a great many difficulties in the way of that measure and its objects, and for the present he should oppose the second reading.

SIR GEORGE GREY said, he thought what had taken place with regard to this Bill would convince the hon. Gentleman (Mr. Bell) that he was rather too sanguine in supposing that the Bill would give general satisfaction. He had intimated to him privately that there was no chance of its passing at this advanced period of the Session. It was a Bill that ought to be before the public a considerable time before he could ask them to agree to it. He thought also this branch of the subject ought not to be considered except in connexion with the medical question generally; and he felt very strong objections to creating in this body a monopoly, giving them an exclusive right to determine who should, and who should not, be dispensing chemists. To the first part of the Bill he did not see any material objection. So far as power might be required for the purpose of appointing examiners, and granting certificates, he was not aware that there was any objection, if that were not followed by a monopoly. If, as he had learned, the hon. Gentleman proposed to make some extensive alterations in the Bill, he should have no objection to its being read a second time *pro formâ*, provided it was understood that it should not be proceeded with any further this Session.

MR. CARDWELL approved of the Bill, but recommended the hon. Gentleman to assent to this arrangement, or to move for a Select Committee to investigate the subject.

MR. EWART understood the term "Pharmaceutical Chemist," which the hon. Gentleman opposite (Mr. Henley) affected not to understand, to mean one who applied remedial measures for the cure of disease; and he begged to refer the hon. Gentleman to his Greek Lexicon if he were desirous of investigating the etymology of the word. There had of late years been a general resort to the examination of candidates on the part of the learned professions, and he considered the Bill before them to be a step in the right direction.

MR. J. BELL had great pleasure in accepting the proposition of the right hon. Gentleman the Secretary for the Home Department, that the Bill should be read a second time *pro formâ*, in order that it should be printed with amendments, and circulated throughout the country.

Bill read 2°.

PUBLIC HOUSES (SCOTLAND) BILL.

Order for Second Reading read.

MR. FORBES MACKENZIE said, that at this late period of the Session he did not intend to proceed further with the measure than its second reading. He was sure, however, that the House would be anxious to diminish drunkenness, and to prevent temptations from being cast in the way of the young and inexperienced; and he should, therefore, bring in a similar Bill next Session. He might also state, that in adopting this course, he had the perfect concurrence of the noble Lord who had carried the Bill through the other House.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. ELLIOT was as anxious as the hon. Gentleman to check as much as possible the prevalence of drunkenness in Scotland, but he considered that there were such serious objections to the Bill, that he hoped it would be very greatly modified ere it came before them again.

With the understanding that his vote would not prejudice his further opposition to the Bill, which he thought was faulty, he should not oppose the second reading.

Mr. HUME could not think what the hon. Gentleman who had last spoken meant. He was entirely opposed to the Bill, and yet he was ready, by supporting the second reading, to affirm its principle. The Bill was objected to by almost every man in Scotland, and hon. Gentlemen did not know the annoyance he had experienced in continually having to receive deputations requesting him to oppose it. If the Motion before them were carried, he should have to undergo the same trouble next year; and he should therefore move, with the view of getting rid of it altogether, that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day Three Months."

Mr. EWART seconded the Motion.

Question proposed, "That the word 'now' stand part of the Question."

Viscount DUNCAN objected to committing the Bill even *pro formâ*, as it would only lead to useless discussion.

Mr. FERGUS said, he must protest against the principle of the Bill altogether. He believed that the consumption of ardent spirits in Scotland had been much exaggerated. Drunkenness was common now chiefly amongst the lower classes, and if they were only raised by education, they would soon cease to be guilty of the vice complained of. He thought, too, that if hon. Gentlemen would exert themselves to promote the domestic comforts of their dependants, they would much more effectively arrest the progress of intemperance than by passing the Bill now before them.

Mr. FORBES MACKENZIE said, he would withdraw the Bill.

Amendment and Motion, by leave, *withdrawn.*

Bill *withdrawn.*

MEDICAL CHARITIES (IRELAND) BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

Clauses 1 and 2 *agreed to.*

Clause 3 (Appointment of Inspectors).

Lord NAAS moved that the medical inspectors should be practitioners of at least ten years' standing, instead of seven years', as proposed.

Amendment proposed, in page 2, line 35, after the word "being," to insert the word "practising."

Sir WILLIAM SOMERVILLE did not think the Amendment would be an improvement, or, indeed, that it was so well calculated to secure efficient inspectors.

Question put, "That the word 'practising' be there inserted."

The Committee divided:—Ayes 51; Noes 44: Majority 7.

Clause, as amended, *agreed to;* as were Clause 3 to Clause 5 inclusive.

Clause 6, which empowers the Commissioners to divide a union into medical districts.

Mr. CLEMENTS moved the omission of the words which empowered the Poor Law Commissioners, as they saw occasion from time to time, to regulate the amount of salaries or allowances payable to the medical officers, and the time and mode of payment thereof.

After some conversation, this Amendment was *withdrawn.*

Mr. H. HERBERT moved an Amendment giving the Boards of Guardians, in certain cases, a power of appeal to the Lord Lieutenant in Council against the division of districts effected by the Poor Law Commissioners.

Amendment proposed, in page 3, line 18, after the word "necessary," to insert the words "subject to an appeal in Council as hereinafter provided."

Colonel DUNNE said, there were so many Amendments on this Clause that perhaps the best way would be to move that it be expunged altogether.

Sir WILLIAM SOMERVILLE said, he had endeavoured so to frame the Clause as to meet the views of hon. Gentlemen opposite. He thought it desirable that the Commissioners should have the same power under this Bill as they had with reference to the administration of the Poor Law generally.

Mr. HATCHELL defended the Clause as it stood, on the ground that it would work in the most satisfactory manner. The Amendment now proposed would look like a distrust of the Poor Law Commissioners.

Mr. GRATTAN thought they had had too much of the Lord Lieutenant.

Mr. CORNEWALL LEWIS said, if the hon. Gentlemen who represented Ireland considered this appeal to the Lord Lieutenant in Council necessary, the Committee would doubtless accede to the proposition; but for his own part he could not see that the result of such would be satisfactory.

MR. G. A. HAMILTON supported the proposition of appeal, because the experience of the past showed that the appeals to the Commissioners were treated with perfect indifference.

MR. FRENCH said, that the appeal would not be resorted to except in cases where the great majority wished it.

MR. WAKLEY hoped the Government would yield on this point. It was not surely reasonable that the Commissioners should have the power of making electoral districts without any appeal whatever. The Guardians were an elected and responsible body, and the Commissioners were not. He had seen the condition of Ireland last year, and he considered that such a measure as this was a complete farce. He could state, from his own obseraation, that in districts through which he passed the people were dying for want of food, or from diseases produced by starvation. The medical officers of districts were not empowered to order relief for the people in the shape of food; but here was a measure to give them as much jalap and Epsom salts as they wanted! He entertained different notions of Ireland until he visited the country; and he should say a more noble, generous-hearted, and industrious people did not exist; but they were badly legislated for. The fact was, that the Bill did not give medical men any power to order such food as might be requisite for the sick poor; and he did not think, therefore, that it would be attended with any practical benefit. He had been told last year, by a Guardian of the poor in Ireland, that in the previous summer, between the 18th of June and the 3rd of October, 1,100 persons perished in the workhouse at Listowell, and that they were nearly all taken into the house in a dying state from starvation. He thought, therefore, that medical officers should have the power of ordering food and nourishment for the people when they thought it necessary.

MR. TORRENS M'CULLAGH said, that what the people of Ireland wanted was efficient control over an arbitrary board with irresponsible powers. In cases of abuse or misuse of power, it was absolutely necessary that there should be an ultimate appeal to the Lord Lieutenant in Council.

The CHANCELLOR OF THE EXCHEQUER wished to know what would be the expense of those appeals, and who were to pay the costs.

MR. WHITESIDE apprehended that the Guardians would have to pay the costs, which would not be as great as hon. Gentlemen seemed to think.

Mr. HATCHELL said, that as the law at present stood, the Guardians could not pay the costs out of the rates.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 58; Noes 70: Majority 12.

MR. H. HERBERT thought this Bill would invest the Commissioners with tremendous powers, giving them authority to appoint local officers in each district. It was a perfect farce to pretend that the Bill would be carried out by local government, for it took away all control from the ratepayers. He moved to strike out the word "number" from the 30th line of the Clause, which, as it stood, gave the Commissioners unlimited discretion as to the number of local officers.

Amendment proposed, in line 30 to leave out the words "Number and."

MR. GRATTAN did not pity the Irish Gentlemen. It was all their own fault. They had parted with the power to legislate for their own country and affairs; and it was foretold them what would be the consequence. The Government were about to take all control in local affairs from the country gentlemen. The condition of Ireland was daily becoming so degraded that no gentleman would be found resident there in a few years. Its revenues were expended by absentees in this country; and its Crown rents applied in beautifying London. Had they a Legislature of their own, no such proceedings would be sanctioned. Whilst he lived he would never cease to denounce these things; and doubtless the day would come—he hoped not in his time—when those millions of the bone and sinew that were being expatriated to America would lift their arms against this country, whose legislation impoverished and disinherited them.

SIR WILLIAM SOMERVILLE said, that in promoting this Bill, their object was to give relief to the poor of Ireland. He was surprised at the hon. Member for Kerry (Mr. H. Herbert) complaining of the powers which this clause gave. No new powers were given by the clause.

COLONEL DUNNE said, that the dispensaries in Ireland were conducted under local administration; but this clause proposed to give the Commissioners of Poor Laws the whole control over them, both as regarded salaries and numbers. There would be no end of extravagance and mismanagement under such a system.

MR. G. A. HAMILTON hoped the right hon. Gentleman the Secretary for Ireland would reconsider the clause. He trusted the word "number" would be left out of the clause. At present dispensaries were generally superintended by one medical gentleman.

MR. CHISHOLM ANSTEY thought that local authorities should not be destroyed where they existed, and should even be created where they did not exist. Above all, he did not think that the central authority should have the power of regulating salaries and allowances.

MR. VESEY said, he did not object to the Poor Law Commissioners being empowered to decide upon the qualifications of the medical officers; but they were not willing to entrust the Commissioners with the power to decide what should be the number of medical officers in each Union.

MR. SCULLY said, the operations of the Commissioners of Health in Dublin were a sample of the evils which might be expected to flow from giving the Commissioners the power to decide upon the number of medical officers necessary for the poor-law districts throughout Ireland. He believed that if they were entrusted with such a power, a door would be opened to gross jobbing.

MR. CORNEWALL LEWIS thought this Clause had been much misunderstood. He could not account for the jealousy which seemed to be entertained against the appointment of medical officers by the Poor Law Commissioners. He thought that if they empowered the Commissioners to appoint these officers, it would be wise to leave the Commissioners to say what should be the precise number in particular districts, inasmuch as in times of disease it might be found necessary to increase their number, and at others it might be desirable to assign at least two districts to one medical officer.

MR. REYNOLDS thought that the word "number" should be retained in the Clause, and the power of appointment vested in the Commissioners, who were responsible for their conduct to that House. He found the poor of Ballinasloe, of Kilrush, Ennistymon, and Ennis, so badly treated, that he thought it best for the poor to have the power vested in the Commissioners.

MR. H. HERBERT thought that the power should rest with the Guardians, on the principle that taxation and representation should go together. He thought the persons who were best qualified to form a correct opinion as to the medical necessities of the district, were those who had to pay the rates.

MR. CLEMENTS said, his opinion was that the whole power should rest with the Guardians; but the Committee having already decided that the Commissioners should have the arrangement of the medical districts, he considered it would be wrong to limit them as to the number of medical officers.

CAPTAIN JONES supported the Clause because the Commissioners had the power of naming the districts, otherwise he should have preferred to vest the power in the guardians.

SIR JOHN YOUNG said, that his experience led him to believe that it would be more economical, and would be safer to vest this power in the hands of the Commissioners. If it were left in the hands of the local boards, the chances were that they would not make a provision which would be sufficient for an emergency, although it might be for ordinary cases.

COLONEL DUNNE said, that there were evils in the present system; but those evils would be aggravated fourfold by this Bill.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 57; Noes 44: Majority 13.

House resumed.

Committee report progress.

The House adjourned at six minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, July 3, 1851.

MINUTES.] PUBLIC BILLS.—2ª Representative Peers for Scotland.

Reported.—Prisons (Scotland); Survey of Great Britain, &c.

3ª Patent Law Amendment (No. 3); Common Lodging Houses.

ROYAL ASSENT.—Stamp Duties (Ireland) Continuance; Compound Householders; Court of Chancery (Ireland) Regulation Act Amendment; Highways (South Wales); Process and Practice (Ireland); Prevention of Offences; Fee Farm Rents (Ireland); Bridges (Ireland).

ROBERT OWEN, ESQ.—PETITION.

LORD BROUGHAM, in presenting a petition from Robert Owen, Esq., said, that Mr. Owen was well known to many of their Lordships as a very benevolent person, who had passed a long life and spent a large fortune in the promotion of philanthropic designs. They might differ with him in his opinion on religious subjects, and might not agree in the views he took of society and the means of improving it; but all must allow that he was one of the greatest benefactors to society as the founder of infant schools, which he (Lord Brougham), with his noble Friend the Marquess of Lansdowne, Mr. J. Smith, Lord Ducie, and others, had only imported to London from New Lanark, whence they had also brought the original teacher, J. Buchannan, by Mr. Owen's kind permission. The inestimable service which he had thus rendered, entitled his opinions upon the condition of the poor, and the means of relieving it, to respectful attention. Some of his adherents adopted the appellation of Socialists; but he (Lord Brougham) conceived that Mr. Owen did not in any way support the wild opinions inconsistent with the institution of property, which often went under this name. Some years ago His Royal Highness the Duke of Kent (father of Her present Majesty) had warmly recommended the plans of Mr. Owen to the attention of the community, declaring that at least they were worthy of the most respectful consideration. His Royal Highness presided at a public meeting on the subject in 1819, two years after the proceeding of Mr. Owen by which he had declared his peculiar opinions on religious subjects; and it was well known that there never was a more firm and decided member of the Church of England than His Royal Highness. But Mr. Owen's present petition referred entirely to his views of society, and the means of improving it. He (Lord Brougham) had never known a man more amiable in his feelings and more entirely tolerant of all who differed with him; he might add, that he never had seen any inventor or projector more entirely free from the failings to which such men are generally subject.

The petition was then read by the Clerk at the table.

The MARQUESS of LANSDOWNE bore testimony to Mr. Owen's merits and services in the great cause of education. With respect to his present petition, it applied for a Committee to investigate his views and plans for the general improvement of society. His noble and learned Friend had not moved for such a Committee, and he (the Marquess of Lansdowne) did not conceive that any practical benefit could result from undertaking such an inquiry at so late a period of the Session as the month of July.

ADULTERATION OF COFFEE.

LORD WHARNCLIFFE presented a petition from planters and merchants and others, of London, complaining of the adulteration of coffee, and praying for relief. He stated that the law prohibiting the adulteration of coffee was passed at the beginning of the present century, and continued in force until 1832, at which time it was illegal for a coffee dealer to have on his premises chicory, or any articles which were known to be used for the purpose of adulterating coffee. Since the passing of the Order in Council in 1840, which suspended the operation of that law, the adulteration of coffee with chicory and other articles had been continually on the increase, seriously affecting the consumption of the genuine article, and deducting from the revenue of the country; for, since it had been found that chicory could be grown as well in England as in Germany, it was produced without any taxation whatever. The effect of that course of policy upon the coffee trade would be apparent upon a comparison of the imports, during the last five or ten years, with the imports of tea, sugar, and other articles. The population had been steadily increasing, and the consumption of articles of food of course likewise increased; but in the case of coffee, there had been a sensible decrease. In 1846 the account of cocoa imported for home consumption was 2,951,000 lbs.; in 1850, 3,103,000 lbs.; currants, in 1846, 358,000 cwt.; 1850, 405,000 cwt.; unrefined sugar, 1846, 5,220,000 cwt.; 1850, 6,130,000 cwt.; tea, 1846, 46,740,000 lbs.; 1850, 51,178,000 lbs.; tobacco, 1846, 26,596,000 lbs.; 1850, 27,538,000 lbs. This showed an increase during the five years of from 3½ to 12 per cent. But what was the case with respect to coffee? Why, in 1846, the quantity imported was 36,754,000 lbs.; and in 1850 it was reduced to 31,226,000 lbs. Notwithstanding the duty on tea was 200 per cent, the consumption of that article, during those five years, had increased 5½ per cent. If coffee had increased only in the same proportion, the amount consumed would have been 44,245,000 lbs. instead of 31,256,000 lbs., being a difference of no less than 9,000,000 lbs., and a loss of duty of at least 200,000*l.* Independently of all other considerations, for the sake of the revenue alone, it was worth while for the Government to interfere. The complaints on this subject were met by the statement that chicory was wholesome, and that the public could protect themselves by purchasing coffee in berry. But he (Lord Wharncliffe) denied that chicory was wholesome, and it was well known that what was sold for coffee in berry was often adulterated. If the Chancellor of the Exchequer had made a general answer that the Government could not interfere effectually, because there were no means of knowing when fraud was committed, the mouths of petitioners would be stopped; but the fact was, that coffee was made an exception to the regulations in force with respect to the adulteration of other articles. In conclusion, the noble Lord said the petitioners were justified in their complaint, as without the interference of the Government it was impossible to put an end to the adulteration, and by not doing so the Government sanctioned and encouraged it.

Earl GRANVILLE said, he should certainly not complain of the noble Earl having brought this subject before the attention of their Lordships. It was desirable that all grievances, whether fancied or real, should be discussed in that House; and although the Treasury Minute of which complaint was made had been the ground of debate in the House of Commons on more than one occasion, it had not, until now, been submitted to the consideration of their Lordships. The petition which had been presented was the petition of only one class of the community—the coffee producers; but it was alleged that the course adopted by Government was not only injurious to the revenue, but also to the public. With regard to the revenue itself he need not trouble their Lordships with any great details to show that it was inexpedient to make any change, because three Chancellors of the Exchequer following one another, having had the advantage of the best advice, had continued the Treasury Minute in force, and if not authorities on fiscal subjects, they were certainly not authorities on any other. He believed that the absence of chicory in the coffee used in France was not the cause of its excellence, but that the mode of making coffee was better understood in that country, and that chicory was mixed quite as much, if not more, with the French coffee. It was said that good coffee was better than coffee mixed with chicory. That might be so, but good coffee mixed with chicory made a better beverage than the lower class of coffees free from that mixture. The evil to which the community was exposed was, to be obliged to use the mixture without being aware of it; but, without comparing the price with the amount of duty on coffee, and the value of coffee before paying duty, there was hardly a person who was not aware that such a mixture was made; indeed, if any doubts had hitherto existed, these debates would afford such publicity that it would be impossible for the public to be unaware of the mixing of chicory with coffee. As to the difficulty of taking home coffee and grinding it, it was greatly over-estimated; for in almost every house in France, however small, there was a coffee mill, and it was now one of the cheapest of domestic implements, by using which every person could be sure of being supplied with coffee itself. Some of the most respectable grocers had, from a deficiency of chicory, supplied their customers with real coffee, and the coffee was returned, because they preferred the mixture. Then as to the statistics of the noble Lord, they proved that the diminution of coffee was not attributable to this Minute, but to the increased consumption of cocoa and tea, the prices of which had been greatly diminished during the last few years. If it was possible to ensure that no chicory should be sold as coffee, it might be desirable for the Government to do so. To ensure chicory being sold as chicory, and coffee as coffee, it would be necessary to order that those who dealt in coffee should not sell chicory. There must obviously be a prohibition against selling both; and if the sale of chicory was checked, it would be most disadvantageous not only to the consumer, but to the agricultural interest. The Treasury Minute complained of was passed some years ago upon the representations of the retail dealers in the country, that as it was impossible for the Excise to prevent the admixture of chicory with coffee, those who sold coffee alone were subjected to most unfair competition with those who mixed chicory with coffee; and if it was difficult then to prevent the admixture, the difficulty would be increased tenfold now that the practice had been established. The interference of the Government would involve Excise prosecutions of the most vexatious kind—the intermeddling with every grocer's shop in the country, and an amount of inconvenience quite insuperable. He (Earl Granville) had stated shortly why it was impossible for the Government to do that, which, if it could be done, would certainly be a desirable thing, namely, to prevent the sale of chicory as coffee. If the disadvantages of a change appeared to the Government to be greater than the advantages, the Government were not justified in making that change. Nevertheless they were obliged to the noble Lord for having brought the subject before the House, and given it thereby greater publicity, for he believed it was in the power of the community to remove some of the evils of which complaint was made.

Petition ordered to lie on the table.

COURT OF BANKRUPTCY—THE CHIEF REGISTRAR — THE CHANCELLOR'S SECRETARIES.

LORD BROUGHAM reminded their Lordships that in the spring of last year his late lamented Friend, Lord Cottenham, had presented a Bill to them, in which they had concurred unanimously, and had afterwards sent to the House of Commons. It was a Bill abolishing patronage producing great emolument, and among other offices it abolished the office of Chief Registrar of the Court of Bankruptcy, which produced to its holder 1,200*l.* a year, and transferred the duties of it to the Lord Chancellor's Chief Secretary, and on his accepting the office the emoluments were to cease and determine. He had been much surprised to hear that this Bill had been denounced in the other House as something very like a corrupt proceeding—in a word, as a job—and had been lost accordingly. It would be greatly for the advantage of the country if many more such "jobs" were perpetrated; he meant the abandonment of great patronage by persons holding high office, for that was the "job" with which his late noble and learned Friend was most unjustifiably, in his opinion, charged. The Bill was, upon that representation, thrown out elsewhere. He was aware the excuse was that the office of Secretary of Bankrupts would be made an office for life; but the duties of Chief Registrar would have been attached to it without a farthing remuneration. However, right or wrong, the Bill was lost. Mr. Serjeant Lawes, the former Registrar, had died a few weeks before the introduction of the Bill; the consequence of which was, that the whole of the duties of the Chief Registrar had to be performed provisionally and temporarily by another Registrar. Lord Cottenham had consequently introduced into the Bill a clause giving validity to all proceedings since the death of the last Registrar, Mr. Serjeant Lawes, but for which every commission of bankruptcy, and all proceedings under them, were liable to be set aside for want of that necessary officer, the Chief Registrar, who held the seal, and whose duty it was to append the seal to the official documents. But the Bill was thrown out, and with the Bill was thrown out also the clause invalidating all the proceedings in bankruptcy which had taken place since the death of Mr. Serjeant Lawes. His late noble and learned Friend, displeased at the treatment which his measure had received, did not bring in another Bill, containing that clause, to which there could have been no objection; and he (Lord Brougham) regretted that, consequently, a little more than doubt existed with respect to the validity of those proceedings. Mr. Serjeant Lawes had now been dead a year and a half; and the result of the course taken elsewhere, to which he had referred, all proceedings in bankruptcy since were exposed to very, very great doubts; and he therefore felt it his duty to ask his noble and learned Friend on the woolsack whether or not the Government was prepared to bring in a Bill at all events to give validity and effect to those proceedings?

The LORD CHANCELLOR observed, that when he succeeded to the office he now held, he found that an office established and considered necessary at the time of the constitution of the new Courts of Bankruptcy had been abolished. He took it for granted due care had been taken that no public inconvenience should arise, and that provision had been made for whatever was necessary. Lately his attention had been called to the subject, and he certainly now found that the Chief Registrar was an essential officer to give validity to most important proceedings in bankruptcy, and to establish titles acquired under bankruptcy. He had heard some such explanation as had been just given by his noble and learned Friend; and undoubtedly, for want of care on the part of those who took the responsibility of throwing out the Bill last year, it would be necessary that a Bill should be brought in for the purpose of rendering valid those proceedings. Fortunately the blot had not been discovered; but the instance was proof of the necessity of great caution on the part of those who undertook to alter the existing law. His Lordship proceeded to say that he found some complaint had been made that he had not done more towards carrying into effect the recommendations contained in certain reports for the abolition of certain offices, as those of Secretary of Bankrupts, and Chaffwax and Sealer. The matter was broached on the faith of two Reports; but he could find no such Reports at all, and he believed there were none such. There had been an inquiry, and a report of the result of that inquiry, but he was not aware of any report expressing the opinion of any Committee of the House of Commons in favour of abolishing those offices. He had taken some pains to obtain accurate information, and he found that some of the offices to which allusion had been made had been abolished for years, and were no longer in existence, amongst which he might mention the office of Secretary of Briefs, and Chaffwax and Sealer. It had been alleged against him that the Lord Chancellor had seven secretaries. It might as well be alleged against the Secretary of the Treasury that he had a multiplicity of secretaries, because the secretaries in each department were under him as Chief Secretary. To the office of Chancellor were attached two offices, Gentleman of the Chamber, and Gentleman-at-arms. Their duties were not defined, and might therefore be considered in the nature of sinecures. They were State officers, but performed duties not at all of a nature to entitle their offices to be considered substantial offices. Lord Cottenham reduced the salaries of those officers considerably; and since he (the Lord Chancellor) had received the seals, he had discontinued one, and put the other on a reduced salary. The salary was formerly 1,000*l.* a year, but was reduced by Lord Cottenham to 758*l.* a year; and he (the Lord Chancellor) had reduced the one officer to 500*l.* a year, which one, though called Gentleman of the chamber, any one who called at his (the Lord Chancellor's) residence at twelve o'clock, would find there every night; he seldom left before midnight, and performed as arduous duties as any man could perform. The next was Secretary of Bankrupts. That was a very ancient office; but in consequence of the alterations in the proceedings in bankruptcy, the duties had been greatly reduced, and the salary, 1,200*l.* a year, was much beyond the duties. But that officer had performed all the onerous duties of Chief Registrar during the last year and a half, and would continue to do so until some alteration was made. The salary of the Principal Secretary was also 1,200*l.* That officer's services were not personal to the Chancellor; his duty was to make certain reports, which were submitted to the head of the Court. The next was Secretary of Presentations, with a salary of 200*l.* a year. He received all letters on the subject of Church patronage; it was impossible to answer all; but those which required an answer he answered; he then made inquiries as to the qualifications of parties proper to be preferred, and received those qualifications. That place was held by the nephew of the late Lord Chancellor, and he continued in the office. At the present moment the duties were very responsible, and he (the Lord Chancellor) was confident the office, whoever held the Church patronage, could not be dispensed with. The next was the Secretary of the Commission of the Peace. That officer received applications from the Lord Lieutenant, recommending persons to be placed in the Commission of the Peace, and also applications for justices in boroughs. The recommendations from Lord Lieutenants required very brief examination, as great credit was given to them, but occasionally certain cases led to a correspondence. As to borough magistrates, in all cases inquiries were made, and a correspondence took place, for all which duties the salary was 400*l.* a year. There was then the Secretary of Decrees and Injunctions. The duty of that person was to see that no decrees were enrolled against which *caveats* were entered, or objections made before enrolment. The salary was 30*l.*, and the duties were about equal to the salary. That office was associated with the Secretary of the Commission of the Peace. The next was the Secretary of Lunatics, a most important office. The salary was 800*l.* a year. It was his duty to read all the petitions; and he (the Lord Chancellor) could answer for it that he did read them. He (the Lord Chancellor) had communication with him on all petitions in lunacy which came before him. These were all the secretaries, and after dismissing one gentleman of the chamber, and reducing the salary of the other, he found he had not sufficient assistance, and he engaged another secretary at his own cost, who was also to be found at his house every night until twelve o'clock. It had been said there had been much inquiry and but little done. Those who complained, knew not what had been effected, and although a great deal remained to be done, he ventured to say that a vast deal had been already accomplished. From the year 1824, when the first reform took place in Chancery, various orders had been made, which had been extremely beneficial in the way of producing an amendment in the form and practice of the court; and during the last year a body of orders had been issued which materially accomplished the same object. In consequence of the regulations adopted by arrangement with Vice-Chancellor Turner, hundreds of cases were now in the cause list ready to be, if not disposed of already, all which, were it not for those regulations, would have taken a very considerable time before they reached such a state of maturity. Those only who are acquainted with what is required, know what has been done, and it is only those who do not know the difficulties of making alterations, that slight and ignore the reforms which have been effected. It was only those who knew not the evils which were generated by alterations made by rash hands, who undervalued what had been done. A great many changes had of late years been made in the bankruptcy law—indeed it had been altered five or six times. The consequence of those changes was that no large bankruptcy was worked out now in the Court of Bankruptcy. [Lord Brougham: Hear!] How it happened he knew not, but the parties who formerly came to the Court of Chancery, with all its evils unredressed, with bankruptcy cases, would not go into the Bankruptcy Court, but preferred having recourse to a private tribunal of their own. The very laws which had been passed were the subject of considerable doubt. With all their labours—with all their boasted care—the creditors of a bankrupt resorted to a private tribunal of their own. Having been in communication with some of the principal solicitors of London, he was able to speak upon this point. It was extremely difficult to point out objections to the law; but this much was certain, that it did not work well. It did not work in such a manner as to induce the merchants to resort to the court. From some reason or another, out of twenty large failures, only one of them was brought before the court. What did he mean to say by this? Not that they were not to amend the law, but that they should not with rash and inconsiderate hands attempt to meddle with it. With respect to the charge made against him, of not having done anything to aid the cause of law reform, he would only take the liberty of stating that, since he had come into office, he had directed his attention most earnestly to the amendment of the law. As fast as he acquired a knowledge of any defect in its administration, he communicated with the Commissioners, and he endeavoured immediately to remedy the evil suggested. He had been a law reformer long before it was the fashion. He only wished that they had waited for the general recommendations of the body of Commissioners who had undertaken their onerous duties without pay or without reward, before they legislated in any bit-by-bit fashion; but others wiser than himself had thought otherwise. In conclusion, he could only say that his earnest desire since he had accepted office was to make the Court of Chancery a court where equity and justice would be cheaply and expeditiously rendered to all parties. He had now to thank their Lordships for the kind attention with which they had heard him, and to beg pardon for apologising at such a length.

Lord BROUGHAM considered that there was no occasion for the noble Lord to apologise to the House; his statement had been considerably interesting. But when he put the question to his noble Friend, with a view of enabling him to enter upon his defence against a general charge, part of which was that he had not abolished an office which he (Lord Brougham) had prevented his doing by having abolished it 17 years ago—when he put that question, having deferred it at the special request of his noble Friend, to enable him to enter upon his defence, while he expected an intelligible and a satisfactory answer, he was not prepared to find that the noble Lord should not only make an attack on those who preceded him in office; but, not content with attacking those who attacked him, not content with vindicating and defending himself, he should carry the war into the territories of his ally. He it was who had given the noble Lord an opportunity of defending himself—he was his ally; but, as the noble Lord had commenced the attack, let him take the consequences; his assault was upon his ally; the penalty of it fell upon himself; for his own part, he was prepared for self-defence. It was his (Lord Brougham's) rash hand, then, that had interfered with the ancient and venerable system of the bankrupt laws in this country. It was he who had established the new and bad system which had superseded and abolished the former admirable and successful jurisdiction. Did the noble Lord wish to see the re-establishment of the seventy Commissioners sometimes called the Septuagint? Did he wish to see official assignees abolished? Did he wish to see the re-establishment of that vicious system which Lord Eldon, the first day he assumed office, had termed one of corruption and abuse from beginning to end, and on which, as is recorded in 6 Vesey, he pronounced an unmitigated censure? That was the system against which he was charged with having raised a rash hand. "But oh," says the noble Lord, "go into the court, and you will find that everybody is against this new system." Not everybody. Certainly some few. Solicitors, no doubt. Under the old system a bankruptcy was an annuity to a solicitor, a regular annuity—it was an income to him for life. "Oh," says the noble Lord, "out of twenty different insolvencies, only one is brought before the Court of Bankruptcy. I do not know why it is, but so it is." Now, what were the facts? By the amendment of the law, by the great and constant improvements introduced, they had so far remedied the evils of the old system as to give every possible encouragement to the insolvent to do that the effecting of which had always been regarded as the perfection of a bankrupt and insolvent law—to make the insolvent come forward at an early period with the remains of his property, and have it divided among his creditors, and not make away with it; partly by creditors getting an undue preference—partly by collusion between the debtor and creditor—partly through the medium of the respectable solicitor, to whom the bankruptcy, before the late alteration of the law, was an annuity—not seldom by the insolvent concealing his property, or vesting it in friends, to be enjoyed by him after his certificate was granted. But now the creditor was induced to come forward while he had some remnant of property left; and this was the phenomenon which so much astonished his noble Friend, that nineteen out of twenty cases should accordingly be decided without the intervention of a court of bankruptcy. But who had a right to complain that this was the case? There must be two parties to such a composition. The debtor cannot wind up by himself. No, it must be by the debtor and creditor joining; and if the debtor and creditor are satisfied, who has a right to complain? Is it not the greatest benefit to the creditors? A larger dividend will accrue to him, as law expenses are not incurred. It was the creditor he mainly looked to. He wished to extend favour and justice to the creditor, but bare justice to the debtor, who always is *primâ facie* in the wrong—the creditor never. He should presently show how the other improvements in the system had all tended to produce the same diminution in bankruptcies. But the noble Lord objected that the law had been changed from time to time. So it was, and so it ought to be, according as they found one or other of its provisions required amendment. All the changes since the new system had been established had been the legitimate result of the experience of the Commissioners and practitioners in the Court. The noble Lord said that he was an enemy to law reform—he meant to say a friend; but it was curious how the truth would slip out in spite of himself. But the noble Lord wished it to be understood that he was a friend to law reform. Yes; but he (Lord Brougham) had seen many such friends in his days. He had seen many professing friends of law reform and law amendment. They were friends in general theory—friends in profession—friends in the abstract—but when you come to practical matters, you found them object to every particular reform, and when you come from their professions to their acts, you found that their acts were in an exact contrary direction to their profession, and their opposition to all improvement bore a pretty exact proportion to their declared wish to improve. Now to that class of law reformers his noble and learned Friend, considering his attainments and his position, was a distinguished ornament. Nay, if the respect and friendship which he bore him, did make him blindly partial, he was inclined to place him at their very head. The noble and learned Lord referred to the small number of bankruptcies which came before the Court. Did he object to the establishment of official assignees? If he did, he was the only person in or out of the city of London who did so—always excepting the respectable solicitors to whom he had before referred; but he doubted very much whether he would find even among the solicitors any one—certainly among the traders he would find no one—who objected to the official assignees. He believed their establishment was one of the greatest improvements that had ever been made in the bankrupt law—an improvement which not only benefited the creditor, but even the debtor. When the measure was the subject of very considerable opposition in the House of Commons, his lamented friend, Mr. John Smith, of the great banking firm Smith, Payne, and Smith, in defending it, observed—"I am sure I have no interest in this measure passing; the consequence of it to our bank will be that we shall lose the use of from 6,000*l.* to 7,000*l.* per annum, arising from the funds which will be drawn out of the bank, and distributed among the creditors. The appointment of official assignees will do away with the creditor assignees, whose supineness and negligence caused this the greatest of evils." This statement caused all opposition to cease, and the Bill was passed. A very few years after the establishment of the system which he was accused of rashness for erecting, the utmost benefit was experienced from it exactly as might be expected, especially after Mr. Smith's remarkable statement. In the course of a year, or little more, after it was in operation, upwards of one million and a quarter was collected through the exertions of the official assignees; in the next few years the sum had been increased to nearly 2,000,000*l.*, all of which had hitherto lain idle for twenty or thirty years in the different banks, in consequence of the idleness of the creditors' assignees, and by the supineness of respectable solicitors, those disinterested and trustworthy authorities whom the noble Lord had consulted, and the equal supineness of creditors, assignees, bankers peradventure, in whose houses the money was lying; all of whom, lawyers and laymen, had more or less interest in letting things sleep, in leaving the creditor unpaid, and leaving the bankruptcy unsuperseded. Many such cases as he alluded to were wound up and brought to a close through the exertions of the official assignees—through the medium of that system now for the first time openly and boldly condemned. Many bankruptcies were superseded after the lapse of twenty-five, certainly of twenty years. Many estates returned 20*s.* in the pound; and the bankrupt and the creditor alike received justice. This had happened in the case of his lamented friend Mr. Roscoe's bankruptcy, though unfortunately not till after his decease, the old system having survived that excellent and distinguished person. But this was a frightful state of things which he depicted; it was the state of things to which the noble Lord would wish to revert. The activity of the official assignee brought into bold relief the indolence and supineness of the creditor assignee. What its enemies harped upon is, that in consequence of the late changes the number of bankruptcies brought before the court had diminished, while the number of those which were settled by composition had augmented. Undoubtedly great facilities had been given to composition, of which the noble Lord seemed to have such an ultra-professional horror. That had been admitted to be an improvement—an improvement which had been introduced by the same rash hand which violated the sanctity of the old system. But what did the noble Lord think of the three classes of certificates, acknowledged as it was to be one of the greatest improvements in a moral, as well as a commercial and a legal point of view. The noble Marquess opposite (the Marquess of Lansdowne) had already borne testimony to its great value in every respect, but especially for its moral tendencies. He would not now repeat that eulogy. The first-class certificate was given to persons pure in all respects—whose dealings had been without a slur or shadow of imputation, whether of indiscretion or of fraud, and whose failure arose from no extravagance, and from no undue speculation. He grieved to say that was a kind of certificate which was given in only very rare instances. But the second was given to persons not guilty of any fraud, but who yet were not so pure and free from all reproach as the first class he had described. Then came the third class, which was given to persons whose conduct had been more or less exceptionable in their commercial transactions for incorrect dealing with their creditors' property, and improper mode of keeping their accounts. As he said before, the noble Marquess opposite admired the moral consideration; but it certainly had the effect of lessening the number of bankruptcies. Many men did not like to go and be refused the second class, and be reduced to take the third-class certificate; others, more refined, disliked to be refused the first. The consequence was, when their affairs became embarrassed, they came forward in time, they divided what they had left, creditors did not refuse a reasonable offer, and of course a composition was accepted. Was there any harm done then to the creditor or debtor by having the parties come before the court, and having the bankruptcy wound up? Was it not the great object to be aimed at in every bankrupt and insolvent law to induce persons to come in early, before they had made away with their funds? The diminution of the number of bankrupts, moreover, must be attributed in some degree to the prosperity of the country. This happy circumstance accounted in part for the number being so much smaller now than three years ago; but the permanent diminution was owing to the other causes he had stated, and it was a great benefit to all whose interest we ought to consult. Nevertheless, if his noble Friend could be persuaded by his City informants, those disinterested authorities, that the present system was as bad as he declared it to be—if he was in favour of the seventy Commissioners, and the system which Lord Eldon declared to be a mass of corruption—it could not be the change of the law effected in 1849 to which he objected, for all the great changes had taken place before 1849, when he himself was connected with those changes; and in the year of distress, 1848, there had been more bankruptcies than there had been since the year 1831. It now happened, for the first time since the violence of party spirit in 1831 and 1832 opposed the Amendments he introduced, that he heard them condemned. He had always heard from traders and honest disinterested authorities opinions entitled to consideration, either from the good sense or the knowledge of the persons who gave them—opinions decidedly and strongly in favour of this system, which the noble Lord, not content with vindicating himself, or answering the question put to him, had so vehemently attacked, and which he (Lord Brougham) took to himself the distinction of having with rash and inconsiderate hands established.

The LORD CHANCELLOR thought he ought to apologise for having used an inadvertent expression, especially when he considered what it had brought upon the House in the shape of a speech from the noble Lord, and in the shape of a very considerable personal attack upon himself. He therefore did regret having used the expression, and he had not the slightest intention of applying the expression of "rash hands" to his noble and learned Friend, although he had referred to the bankruptcy laws. His noble and learned Friend had spoken of his partiality towards him. He knew, and he had known, that he did feel most kindly to him, but he did not think that this partiality had blinded the noble Lord to his defects. They were all aware that when one word was said which reflected upon the vanity of the noble Lord, that his friendship and partiality would not preserve them from a vindictive attack. The noble and learned Lord knew well that he was as sincere a law reformer as himself; but he would have said, did he not know that it would lead to another half hour's occupation of their Lordships' time, not so rash a one. The noble Lord asked him did he wish the revival of the seventy Commissioners? Who were the instruments used to put an end to that system? It was not fair of the noble Lord to ask such a question, for he must have remembered that he (the Lord Chancellor) and the Hon. Mr. Erskine had the honour of working under him in abolishing the whole system. He did not know whether his noble and learned Friend was a party to the annihilation of the Court of Review; but that had passed away, as had some other things, and another system was established in its room. This Session they had seen another system by way of reform introduced, and such changes they were likely to have from time to time as long as they lived — [Lord BROUGHAM: Hear, hear!]—and very properly so, no doubt. But he nevertheless felt bound to say that a little care at the beginning would render such trouble unnecessary. What he had said was, that those individuals who did not know the course of the law, or its practice, were rash in attempting to make alterations in the law. He did not, however, apply those words to his noble and learned Friend; on the contrary, he said, that great as had been the labour and pains which his noble and learned Friend had taken in amending the bankruptcy law, unfortunately the amendment did not succeed. Beyond that he had said nothing to warrant the discharge their Lordships had just heard. His noble and learned Friend said the new system had reduced expense, had given certificates, and had done a great many other things; but he must tell their Lordships, that after all that had been said, that creditors would not go into the Court of Bankruptcy; they did not find it to their interest to go into that court. Whatever advantages his noble and learned Friend might see in his new system of bankruptcy, he begged to say that both the solicitors and merchants of London were content to forego all those advantages; and he would add further, that out of very numerous bankruptcies, the largest, the most important, and those most requiring the advantages of a good system of bankruptcy, were just the cases that were managed elsewhere. It would not do to say this was the fault of the solicitors; for their clients were men of intelligence and business habits, and if they found that their solicitors were following a course contrary to their interests, they would soon check it. His noble and learned Friend had been a party to passing laws that created not a few difficulties, and involved people in expense. The public were no doubt indebted to him for his efforts in the cause of reform; but he (the Lord Chancellor) would, nevertheless, not forbear making suggestions occasionally to his noble and learned Friend, even though he should speak of his "partiality" for him, and call him an enemy of reform, and even though he should forget that he was an instrument in his hands in bringing about his reform in the bankruptcy laws. Why, nobody could say a word to his noble and learned Friend about his Bills but it put him in bad temper; but that would not prevent him doing so whenever the occasion might arise. He had passed not a short life. All that life had been in the profession of the law, and he had seen not only the advantages of reforms, cautiously adopted, but also the mischiefs that had arisen from constant alterations in the law, and from an increase of expense to those who had occasion to have recourse to it. Therefore he did not consider every one that brought in a measure to amend the law a reformer. He certainly should apologise if he had applied the term "rash hands" to his noble and learned Friend; but he had not done so. He used the words with reference to those who were wholly unfitted to make alterations in the law, being fully impressed with the conviction that whatever changes were made should be done with the best care and caution, and should proceed from the best informed minds. In conclusion, he begged pardon of their Lordships for having called his noble and learned Friend upon his legs, and having thereby been the means of detaining them so long.

Lord BROUGHAM was not aware that the offence of his noble and learned Friend was in the nature of suicide; he had thought it was in the nature of manslaughter; but it now appeared that the changes which he repudiated so much, and which were embodied in the Bill for the amendment of the bankruptcy system, were his own changes. His noble and learned Friend was a party to it, for he said he was one of those who prepared this measure.

The LORD CHANCELLOR: Not this, but that.

Lord BROUGHAM: Well, that. His noble and learned Friend was employed in preparing that measure, and it was of great advantage to the system. That system worked so well, and the Commissioners did their duty so admirably, that any appeal from their judgment was found to be superfluous, and the Court of Review unnecessary; and that, he begged to say, was the only change that had taken place.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, July 3, 1851.

Minutes.] Public Bills.—1° Turnpike Trusts Arrangements.

2° Assessed Taxes Composition; Public Works (Ireland); Public Works, Fisheries, &c.; Veterinary Surgeons Exemption.

Reported.—School Sites Acts Amendment.

3° Oath of Abjuration; Highway Rates; Ecclesiastical Jurisdiction; Burgesses and Freemen's Parliamentary Franchise.

OATH OF ABJURATION (JEWS) BILL.

Order for Third Reading read.

Lord JOHN RUSSELL moved that this Bill be now read a Third Time.

Sir R. H. INGLIS said, that from the first day when this Bill had been brought forward, he had regarded it as one of the most unhappy measures that had ever been introduced into Parliament. For more than twenty years he had continued to view it with the deepest and most abhorrent objection; and he had endeavoured to take every opportunity which the forms of the House allowed to prevent its passing into a law. They were now about to pass a measure which he would say was not merely undesired by the great mass of the people, but was alien to their principles as well as feelings. It involved a sacrifice of principle so great, indeed, that no external advantage whatever—no, not even the satisfaction of the people—could justify its adoption; and there was no duty which impelled them to this sacrifice. It was one that could not be said to be demanded on the ground of any constitutional rights; and, therefore, he hoped the House would pause before it gave its sanction to the measure. The Church of England and the majority of the people of Scotland were opposed to it, and had expressed their conviction that it was inconsistent with the Christian character of this country, implying, as it did, the principle, that a belief in our blessed Lord and Saviour was not a necessary qualification of those who had to consider the highest interests of a Christian people. If the last words that he should utter in that House were to be in opposition to this Bill of the Government, he should feel it his duty not to shrink from protesting against it; but he did not feel it necessary to record by more than such a protest his objections to the further progress of the measure. In that protest he knew he should be supported by the hearts and the voices of some of the influential Members of that House, and of the large majority of the people of this country; by all, in short, who still regarded the Christian character of England as one of the dearest objects of inheritance which they had received from their forefathers, and which they desired to transmit to their posterity. If he were told that the introduction of three or four Jews into Parliament would not alter the character of that assembly, he replied that that might be so if they came in without any act of legislation; but the moment that they altered the oath by which all who came into that House declared the principle upon which they were admitted, they had made a sacrifice which no earthly consideration could compensate. With the strongest reluctance to give any encouragement to legislation founded on such an absence of principle as was displayed in the present Bill, he should content himself with thus solemnly recording his objections to it; but under all the circumstances of the case he did not feel himself called upon to divide the House on the present occasion.

Lord JOHN RUSSELL: Sir, I cannot but say a few words after the observations of my hon. Friend the Member for the University of Oxford, who has formally declared that an avowal of belief is that which is required in order to qualify a person to be a Member of this House. Now I must say that I think we ought not, and, as I believe, according to the right interpretation of the law, we do not intend to exact a declaration of belief from Members of this House, but rather a declaration relating to conduct and action. That is, I believe, the true principle with regard to these oaths, and such I believe to be the intention, though not, I own, the letter of the law. Now we know perfectly well, that to all that is required by the Oath of Allegiance and the Oath of Supremacy, the Jew is ready to swear. And with regard to the Oath of Abjuration, let us consider, for a moment, why that declaration "Upon the true faith of a Christian," was required to be taken. Was it required in order that Members of this House should declare themselves to be persons professing the Christian belief? I believe that neither the persons who framed that oath, nor those who supported it when it was first introduced, had ever put it on that ground. The Oath of Abjuration was introduced for the purpose of getting persons to declare that they would pay allegiance to the family now upon the Throne, and that they abjured all allegiance to the House of Stuart, and to the descendants of James II. Now I have to say that, with regard to all the conditions—the condition of the Oath of Allegiance, the condition of the Oath of Supremacy, and with regard to the substance of the Oath of Abjuration, namely, the abjuring any allegiance whatever to any family but that upon the Throne—with regard to them all, the Jew is quite ready to take and to subscribe to them. But no doubt there are words at the end of the Oath of Abjuration which the Jew, not having the same facility that Mr. Gibbon had when he was a Member of this House, feels himself conscientiously precluded from taking. But with regard to these words, I think it has been quite clearly proved by argument that these words were not introduced to prevent Jews sitting in that House, but, it being presumed that Members of this House were Christians, it was a declaration that they were ready to abide by the conditions imposed on them. I cannot but think, that upon this question the feelings of the people at large ought to be consulted; and if you do you are bound to consult in an especial degree the feelings of those who are electors of Members of Parliament.

Now within the last few days a second case has occurred, in which a member of the Jewish persuasion has been elected by upwards of 2,000 votes as a representative of a borough. I am glad to see that the hon. Alderman who has been thus elected does not intend to come down to this House and offer to take the Oath, until the other House of Parliament has had an opportunity of seeing the Bill now before us. And when that other House of Parliament comes to take the Bill into consideration, I hope they will remember that there has been of late a great deal of sensitiveness shown with respect to the privileges of the House of Lords. I do not say that it is an undue sensitiveness; but, with regard to the particular Bill now before them (the Court of Chancery Bill), it is known that objections have been taken to it, not on account of its object or on account of its substance, the one being allowed to be right and the other laudable, but because it relates to something that the House of Lords deemed it right to do themselves. Now I shall cease to insist upon that Clause in the Bill, and I shall propose to leave them to consider whether by this Clause or by what other Act of Parliament, they can obtain the object which the Legislature has in view. My hon. Friend (Sir R. Inglis) says that he is most unwilling to divide the House upon this question. Now, when a body of the people for the third time has declared its opinion that a Jew ought to sit in this House, when two bodies of the constituencies of this country have elected Jews for their representatives, I do really think, with every respect for the privileges of the House of Lords, that they ought to consider whether this is not a matter in which the people may be freely left to their own choice, and whether, after the passing of such a Bill three times, it is not due to the great body of the people and to their representatives, that their wishes should be consulted upon this subject. With regard to the actual result of popular elections, my belief is, that, while my hon. Friend is making these objections to the Jews, whenever there comes a popular election by any great body of electors, you do actually give a premium as against the Christian in that general election; because, while the Christian has to stand upon his merits, the Jew is able to say, "In me you behold a persecuted man; I represent the principle of religious liberty; and if you value that principle, you will send me to the House of Commons." Thus my hon. Friend, though I am sure, most undesignedly, is giving an advantage to the Jewish candidates; and I am persuaded, that if this Bill were passed, two or three Jews might find their way into this House, but that in his contest with them, the Christian candidate would have an advantage which he does not now possess.

MR. NEWDEGATE said, that with respect to the assertion that the general opinion of the country was in favour of that Bill, he would call the noble Lord's attention to the fact, that the question had never been fairly submitted to the people of this country. On the subject of the Greenwich election he would observe that there were persons who felt so strongly, that they would have been ready to vote for the Christian candidate in opposition to the Jew; and it was only particular circumstances which had prevented their voting for Mr. Wire instead of Mr. Salomons. One of these circumstances was, that Mr. Wire had been one of the principal supporters of Baron Rothschild, and the voters thought it was only a choice between a Jewish barrister or an attorney. The noble Lord had said the law did not contemplate any pledge in relation to faith; but he would remind him that for a considerable time up to and during the reign of William III. Members of the House of Commons were required to make a declaration of their belief in the Trinity. Was not that requiring a test of their Christianity? He agreed with the hon. Baronet the Member for the University of Oxford in not dividing the House; and under all the circumstances of the case, it would be utterly supererogatory to express any further opinion upon it.

MR. HODGSON would have had no objection to a division if it could be only to express an opinion upon the conduct of the Government lately with respect to two important religious questions—namely, the Jew Bill, and the Ecclesiastical Titles Bill. He would have liked to hear the noble Lord's explanation of the contrast on his conduct with respect to these two measures.

MR. PLUMPTRE said, it should be remembered that 177 Members had voted against the second reading of that Bill, while only 202 were in its favour. When they expected a large majority, Government had only twenty-five in their favour. Having made the protest which they had on a former occasion, it was not necessary to divide the House then. He felt as strongly as ever against the Bill. He believed all the real Christian feeling of the country was equally opposed to it, and if the House divided, he would vote against the third reading of the Bill.

Mr. J. A. SMITH said, that the cause of the small majority upon the second reading of the Bill must be known to every Member of that House. He had no fear that hon. Gentlemen would fail in understanding the motives which influenced those who were opposed to this Bill. They were quite prepared to divide on that (the Ministerial) side of the House.

Mr. HENLEY said, that it might seem, from what had fallen from the hon. Member who had just resumed his seat, that Members who sat on the Opposition side were unwilling to divide on this question. It should be recollected, however, that the noble Lord at the head of the Government brought on this Bill when he pleased. It stood for discussion a few days since in the middle of the evening; but the noble Lord did not choose to risk a division then, which might perhaps have been less to his satisfaction than even the division on the second reading. The noble Lord watched his time, and would not go to a division unless his own benches were full. Under these circumstances, and having openly protested against the third reading, hon. Members on the Opposition side of the House did not think it necessary to trouble the House with a division upon it.

Bill read 3°, and *passed*.

COURT OF CHANCERY AND JUDICIAL COMMITTEE BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

Clause 1.

Mr. JOHN STUART said, this clause suggested some very important considerations. It was one to create a new court of appeal in the Court of Chancery; and it would, no doubt, materially alter the constitution of that Court. At present a suitor might appeal at once from the Vice-Chancellors' courts to the House of Lords, without any intermediate appeal to the Lord Chancellor's court; and as the Lord Chancellor was the Judge in either case, it would not matter much to the suitor which course he took. Nor did he see what would be the benefit to the suitor to appeal from the Vice-Chancellor to the two new Chancery Judges, when there might be a third appeal to the House of Lords. All previous plans for reform had been, that two permanent Judges should be appointed to assist the House of Lords, so that the appeal business might be conducted in the absence of the Lord Chancellor of the Court of Chancery; and it was a question whether it would not be better that such a course should be adopted than the one proposed. Such a proceeding would be in harmony with a plan which was recommended by Sir Edward Sugden some years ago. At all events, the two Judges to whom he referred, would cost no more than the two proposed to be appointed by the Bill. The noble Lord (Lord John Russell) had referred to the privileges of the House of Lords, and had declared that he would not insist on the clause which referred to the judicial business of the House of Lords. It was not necessary that the Lord Chancellor should sit in the House of Lords when it was a Court of Appeal, because the Court of Appeal could sit with the Master of the Rolls presiding as deputy-speaker. The two new Judges might sit sometimes in the House of Lords, sometimes in the Privy Council, although he considered that somewhat anomalous, and sometimes in the Court. As the Bill would manifestly interfere with the appellate jurisdiction of the House of Lords, it would surely have been desirable that it should have been originated in another place; although he admitted there was a great convenience in its origination in the House of Commons, for the noble Lord who had brought it forward felt it would be necessary to make some provision for the Judges to be appointed, and their Lordships could not have done that without interfering with the privileges of this House. All, therefore, that he (Mr. J. Stuart) wanted was, that there should be a fair time allowed for them to consider whether or not the primary functions of the new Judges should not be in the House of Lords instead of as proposed. He considered the Bill also defective in that it did not make any provision for new registrars. It was agreed on all hands that the amount of labour at present imposed on the registrars was more than they were able to discharge; and he had hoped that the noble Lord would have made arrangements for the appointment, not merely of such officers as ushers, train-bearers, secretaries, and the like, but of the more important officers, of whom he was speaking. As it was only his (Mr. J. Stuart's) wish to make the Bill as perfect as possible, it would be his duty to propose a clause on the subject; but he well knew that no private Member could hope for success on such a question unless he had the sanction of the Government; and, therefore, he preferred calling the attention of the noble Lord to the subject. The number of registrars was fixed by the 5th Victoria, c. 5. There were five courts, namely, the three Vice-Chancellors', the Master of the Rolls', and the Lord Chancellor's, which required the attendance of these officers; and at present, each was alternately one day in court, and one day in his own office. The average number of courts sitting every day was four; but the appointment of the additional Judges would raise that average to five, and the registrar would only be able to attend in his office two days a week. In the present state of things no order of the Court could be drawn up and passed by the registrar in a shorter time than three weeks; and it was obvious that the delay caused by the sitting of the extra court would be much greater than the ratio of three to two, because the registrar who was one day in the court, and one day in his office, would have much greater facilities for the discharge of his duties than one who could only devote two days a week to his office attendance. The appointment of a new registrar would only be 1,250*l.* per annum, a sum not worthy of consideration compared with the advantages that would be derived by the public.

The ATTORNEY GENERAL said, it was admitted on all hands that the business before the Court of Chancery was too much for the Lord Chancellor to discharge, in conjunction with the other highly important functions imposed upon him by his office. The question then was, in what way the Legislature could give the Lord Chancellor the assistance which he required in grappling with that amount of business? His hon. and learned Friend (Mr. J. Stuart) seemed to say that as an appeal lay direct to the House of Lords from the Vice-Chancellors, it was desirable to follow that course, and to force the appeal business from the Lord Chancellor to the House of Lords. He did not understand, however, whether, by this proposal, his hon. and learned Friend meant to get rid of the appellate jurisdiction of the Lord Chancellor in Chancery. It was quite clear that, as matters stood at present, the suitor preferred appealing to the Lord Chancellor in the first instance, and if this preference continued, the court of appeal would still be choked up with business. Nothing therefore would be gained by adopting his hon. and learned Friend's proposal. Under the plan contained in the Bill, however, it was to be expected that the appeals in Chancery would be so much reduced that the two Judges of Appeal would have time to preside in the Judicial Committee of the Privy Council. At present an appeal lay in Chancery from a single Judge to another, and as, when a difference of opinion existed, it was only one man's opinion against another's, the suitor was consequently frequently desirous to try the chances of another appeal to the House of Lords. But when the appeal lay no longer from a single Judge to another, and the coust of appeal consisted of at least two Judges, the probability would be, that, except in cases of very great magnitude and importance, the suitor would be content with the decision of the Court of Chancery, and would not try his chances elsewhere. It must be remembered also that an appeal to the appellate jurisdiction of the Court of Chancery was less expensive than an appeal to the House of Lords. It was necessary, therefore, to make the appellate jurisdiction of the Court of Chancery as efficient as it possibly could be made, without driving the suitor to the House of Lords. With regard to an increase in the number of the registrars, that was not involved in the clause before the Committee, which merely related to the number of additional Judges to be appointed; but if it should turn out that the number of registrars was not sufficient, that was a matter to which he had no doubt due consideration would be given.

MR. FRESHFIELD said, it was a matter of so much importance that the duty of the registrar should be well performed in court, as well as afterwards, that he hoped no niggardly considerations would stand in the way of a proper staff being kept on foot.

LORD JOHN RUSSELL said, that, if it was found that a deficiency existed, there would be no objection to supply it.

SIR DE LACY EVANS wished to draw the attention of the Committee to a case which tended to show the excessive abuses which now existed in the Court of Chancery. To his own knowledge, a lady of considerable wealth (Miss Howard) invested the sum of 45,000*l.* in the hands of trustees, one of whom was Mr. Mackinnon, the hon. Member for Lymington, in order to endow an asylum for twenty widows of officers in the Army and Navy, who were to receive 50*l.* per annum, in addition to a comfortable dwelling. The trustees immediately interested themselves to carry out her views, and just as they were about to settle upon a site for the asylum, a bill in Chancery was filed against Miss Howard by a pauper who had no earthly claim to the fund, or to any other. The consequence was, that the trustees were prevented from carrying out the charitable intentions of this lady, and the whole matter stood in abeyance until the Court of Chancery was enabled to interfere further. Miss Howard had written to the Lord Chancellor on the subject, but had received no answer, and the poor widows, who were next door to paupers, were unable to become the recipients of her bounty. This was one of those glaring cases of legalised imposture and robbery which loudly called for redress.

MR. JOHN STUART said, he must remind the hon. and gallant Officer opposite that no such suit as that which he had stated could ever have been instituted without the sanction of the Attorney General; so that if it was one that ought never to have been allowed to have commenced, it was the Attorney General and not the Lord Chancellor who was blameable in the matter. He would further inform the hon. and gallant Officer, that if the suit was manifestly a vexatious and improper one, it was the party by whom it had been brought, and not the funds of the charity, that would have to bear the expenses of it.

MR. MACKINNON said, he had heard what had been stated by the hon. and gallant Officer who had preceded him, and by the learned Gentleman who had just sat down. He could not agree with the latter in blaming either the Lord Chancellor or the Attorney General: it was the practice of the Court of Chancery that was to be corrected, not the parties who acted under it. His gallant Friend the Member for Westminster had correctly stated, as far as he went, the circumstances of the case; the other particulars were these: a lady, Miss Howard, had placed a considerable amount of property in trustees, of which he had the honour to be one in conjunction with a gallant Naval Officer, a noble Lord in the other House. Twenty houses for the same number of widows of Naval or Military men and Clergymen—the former to have the preference—were to be erected for their occupation, rent and tax free, with an income of about 50*l.* a year. The trustees were preparing to make a selection for this bounty as directed, when a bill in Chancery was filed by a person, as a pauper, of the name of Goldsmid, who had not the remotest interest in the matter. On inquiring into the cause of this extraordinary proceeding, he was informed that it was a common practice for an attorney who wanted business to get a pauper to lend his name, file a bill against the parties connected with the charity, in which case, whether right or wrong, the party filing the bill was entitled by the Court of Chancery to have his expenses paid out of the fund. He (Mr. Mackinnon) had, from good authority, been informed that this was a common practice; he had the name before him of a solicitor who scoured the country in search of charitable bequests, filed a bill which came to nothing, but the party filing the bill, or rather the solicitor, had the costs paid out of the fund; by these means the party alluded to, had for several years in this manner made an income of 800*l.* a year and upwards. Now in the charity to which he was trustee, was it not a perversion of common sense and justice that the widows of twenty poor officers should be kept for years from the bounty intended, their funds diminished, and part of the bounty squandered between the attornies and lawyers on both sides? It was a disgrace that such a proceeding should be tolerated by the Court of Chancery in this country at this period.

The ATTORNEY GENERAL was obliged to the hon. and learned Member for Newark (Mr. J. Stuart) for having referred to the observations of the hon. and gallant Member for Westminster (Sir De L. Evans), with regard to this benevolent lady. He was not Attorney General when the suit in question was intituted. He knew nothing of the circumstances of the case; but there seemed to be some misconception with respect to the course of proceedings in those cases which were conducted in the name of the Attorney General, though in reality prosecuted at the instance of some private individual. The usual course was, to insist upon security for costs being given, in case it should be determined that the suit was one which ought not to have been instituted. It could not be doubted that great good had been done by means of suits instituted against the trustees of charitable estates, in some cases by parties seeking only their own individual gain. On the other hand, he was quite ready to admit that a great deal of abuse had been occasioned by the institution of suits by parties whose object was to get the costs paid out of the charity brought by them under the consideration of the court. He had endeavoured, as far as he could, to prevent the continuance of any such abuses; and in every case that had come before him, he had insisted on having a statement of the facts laid before him, in order that he might exercise his discretion as to whether the suit was one which ought in fairness to be instituted. Miss Howard, he understood, had written a letter to the Lord Chancellor—a very irregular proceeding; but if, instead of adopting that course, a communication had been made to him (the Attorney General), and he had thought the proceedings oppressive, he should certainly have taken care to see that they were arrested. The present discussion, however, was somewhat informal, and should have been raised when they were considering the principle of the Bill.

MR. ELLICE trusted that the right hon. Baronet the Member for Ripon (Sir J. Graham), and the hon. Member for Oxfordshire (Mr. Henley), who had been appointed on the Commission respecting the Court of Chancery, would not fail to take their full share in the deliberations of that Commission. He was satisfied that the public would place more confidence in the investigations of those two Commissioners, than they would in any inquiry before Commissioners simply belonging to the legal profession. It might have been desirable that one of the Masters in Chancery should have sat on the Commission, because they were necessarily fully conversant with the delays in that court, and the causes of them; however, he was satisfied to see that the two distinguished Members whom he had named had been appointed by the Government, and he earnestly trusted that they would generously undertake the discharge of such important duties for the public benefit.

SIR GEORGE STRICKLAND thought that the Court of Chancery, as at present constituted, was the greatest evil that ever existed in any civilised country. The appointment of these two additional Judges would, no doubt, aid the Lord Chancellor materially in getting rid of the appeals which came before him; but the great grievances of which the people complained were the excessive delay, expense, and total denial of justice in cases which never reached appeal. To attempt to persuade the people that these two additional Judges would remove any of the grievances with respect to cases not brought by way of appeal before the Lord Chancellor, was throwing dust in the people's eyes. There had been an attempt by the Chancery lawyers, who had taken part in this discussion, to make the Masters in Chancery the scapegoats of the grievances which were complained of. He was not going to defend the Masters; nobody did that; but was it unjust to load them with a greater quantity of odium than they merited? It had been the fashion to talk of making a thorough reform in Chancery, by sweeping away the Masters' Offices, and appointing a Judge, who should dispose in open court of the work confided to them. But it was not in the Masters' Offices that the greatest delay took place, for it was well known that may suits were from ten to twenty years before they reached those Offices. One of the great grievances of which the public had to complain was, that in cases in which the claim did not exceed 500*l.*, it was ruinous to commence a suit in Chancery for its recovery. There were many instances in which the results of proceedings for such amounts were nothing but delays, costs, and heartbreaking, and ultimately the union workhouse. He firmly believed that these two additional Judges were not wanted; and in support of that opinion he would refer to the opinions expressed by the right hon. and learned Master of the Rolls and the Solicitor General, in the debates which had taken place some time ago on the subject of Chancery reform. In those debates the House was expressly told that there were several instances in which all the arrears of appeal cases had been worked off by the Lord Chancellor. It was quite notorious that Lord Brougham worked off all the arrears, and that he did in addition to performing all the ordinary duties attached to the Lord Chancellor's office. The House was also told that Lord Cottenham worked off the arrears of appeal cases; and, but for his illness, there would now be no arrears in the Lord Chancellor's Court. If, instead of saddling the public with the expense of these two additional Judges, some measure had been introduced which would compel the Lord Chancellor to retire when his health became too feeble to permit him to discharge his duties, the public good would have been better promoted. Forty years ago, Michael Angelo Taylor brought repeatedly before the House the delays and abuses of the Court of Chancery, and all the answer which he could obtain was, "Nobody but Chancery lawyers can reform the Court of Chancery; if you put any laymen on a Commission appointed to inquire into the subject, they will first have to learn their lessons on Chancery proceedings, and after all a reform of the Court of Chancery must be left to the lawyers." "Leave the matter to us," said the lawyers of that day, "and we will remedy these abuses." Well, the matter had been left to the lawyers, and not one single step had they taken to redress the grievances of which the public complained. Up to this moment the course of proceedings in Chancery was such, that cases were often before the court twenty years before they reached the Master's Office, where they might linger another five or ten years. It was a delusion to represent that the Masters were overworked. He believed that one of their chief duties was to sign hour-warrants, for the purpose of putting costs into the pockets of the London solicitors. Hour after hour, and year after year, were the suits postponed until at length the unfortunate suitors were ruined by costs. That was what was called "British justice."

Sir JAMES GRAHAM said, he would not have risen to trouble the Committee, but for the complimentary remarks which the hon. Gentleman opposite (Mr. Ellice) had made in allusion to any trifling service that he might be able to render on the Commission which had been referred to. Certainly the noble Lord at the head of the Government had done him the honour of naming him to be added to that Commission. He had stated to the noble Lord that any service which he could render should cheerfully be given; but that his attendance could not be constant, and he feared his knowledge of the subject was very inadequate. If the noble Lord, notwithstanding, thought he could render any service to the public by being placed on that Commission, his services should be freely at his disposal, and the same thing he was sure he might say equally of his hon. Friend the Member for Oxfordshire. [Mr. Henley: Hear, hear!] As they were about to inquire, it would be highly improper to pass an immature judgment; but he must thank the noble Lord for this second Bill upon the subject, which he regarded as a great improvement upon the first which had been introduced. At the same time, however, he must say that his feeling was very strong that they were beginning their amendments at the top of the building instead of at the bottom. His belief was, that it was important they should commence at the very foundation of the system. They had glanced the other night at the Masters' Offices, and no one, so far as he was aware, was prepared to defend them as at present constituted; but they had not turned attention to the Examiner's Office, which required a great amount of improvement. In fact, in the present age, he did not believe there was any other example of a civilised country taking evidence in such a manner as it was taken in Chancery. He had fears with respect to this Bill, identical with those which, after an experience of twenty years, would, he thought, be rightly expressed in the language used by Sir Samual Romilly, respecting the appointment of Vice-Chancellors, when he said that the appointment of subordinate assistants to the Lord Chancellor would be attended with this fatal consequence — that the character of the office would be degraded, and never again would England see such a man holding the Great Seal as a Somers, a Camden, and a Hardwicke. The Bill was attended also with this serious danger and inconvenience, that the office of Lord Chancellor would henceforth be primarily political, and secondarily, judicial; whereas in his opinion it ought to be, primarily judicial, and secondarily political. He was quite aware that there was a choice of difficulties in this matter. The office was overloaded at the present moment from accidental circumstances, which had created a large arrear; but he was of opinion that a man really pre-eminent in his profession, enjoying the health necessary for the full and vigorous discharge of his duty, was still competent to perform the whole duty of the Lord Chancellor of England. It had been done, even in recent times; and he could not help thinking that it would be the greatest misfortune to the law of England if they were to provide, either on account of the arrears, the competency of the Vice-Chancellors, or from any other cause, that it should be possible for any Government at any time to choose as their Lord Chancellor a man of second-rate ability. That would be the greatest misfortune which could befall the law of this country. At the same time, he was aware of the difficulty in steering a middle course. He could not say that he was opposed to this measure; but, entertaining apprehensions with respect to it, such as he did, he thought it his duty to state them to the Committee. He certainly did consider that this appellate tribunal, viewed abstractedly, would be an efficient tribunal, and would exercise its functions of a varied kind with advantage to the public. It would create a very great aid to the Judicial Committee of Privy Council—a most important tribunal, considering the extent and growing importance of our colonies. Arrears, by this tribunal sitting constantly, would soon be reduced. The effect of a prompt appeal would be to diminish the number of appeals; but his fear was that when the arrear paper should be reduced, there would not be sufficient work both for this tribunal and for the Lord Chancellor himself. Then, if that were so, the danger was inevitable of a degradation of the standard of the men who would be really competent to be the Chancellors of England; and they knew well that reducing the standard diminished the exertions by which men arose to that standard; and they could not degrade the capacity for the office of Lord Chancellor without diminishing the efforts of the young men of the Bar of England. It would be the greatest calamity for this country if the present Bill should unhappily unintentionally produce that effect. He was not prepared, on the whole, to take upon himself the responsibility of offering any objection to the further progress of the measure; but he did honestly entertain doubts, and, entertaining them, he could not conceal them from the Committee. He begged again to thank the noble Lord (Lord John Russell) for the mark of confidence which he had placed in him by recommending him to the Crown to serve upon the Commission, and to assure the Committee that he would, to the best of his ability, give any little assistance in his power to further reforms in the Court of Chancery. At the same time, nothing would have induced him to serve upon that Commission, but his unbounded confidence in the members of it—the right hon. and learned Master of the Rolls, the hon. and learned Solicitor General, the hon. and learned Member for Aylesbury (Mr. Bethell), and, indeed, all of them—who were men of such learning, and of reputation so honestly gained by competition in their profession, that he considered that circumstance alone, independently of having been recommended by the noble Lord, made it a great honour to sit upon that Commission.

MR. AGLIONBY said, though the discussion was a divergence from the matter before the Committee, he thought it would be of great public utility. The country was much indebted to the noble Lord (Lord John Russell) for proposing the Commission, and for adding to it the names of Sir James Graham and Mr. Henley, than whom no two men in that House would be more useful. He believed that within recent years the proceedings in the Masters' Offices had been very much improved. The great objection was that their proceedings were not open to the public, and that their hours of attendance were few. But abuses did not exist in the Masters' Offices alone. It sometimes occurred that the lessee had a dispute with the receiver, and not wishing to depend on his own judgment, he might wish to take his case before the Master. Now, he could not do that without first going into the Court of Chancery and obtaining a copy of all the proceedings in that court, as also serving notice on all the solicitors engaged in the case. That was an instance of a serious grievance; and many others might be cited. He believed that the only way of cleaning out this Augean stable would be by transferring a good deal of the business from the Courts of Chancery to the County Courts.

MR. HENLEY said, he felt deeply the honour conferred on him by the appointment to this Commission, and could assure the Committee that, as far as his limited time would permit, he would be glad to devote it to the carrying out of the object in view. He fully agreed in the observations of the right hon. Baronet the Member for Ripon (Sir James Graham); and he then would take the liberty of asking the hon. and learned Solicitor General whether or not it was intended by this Bill to confer on the new Judges any original jurisdiction? The first clause referred to the Court as merely one of appeal; but subsequent clauses left the suspicion open that an original jurisdiction was intended to be given, because, if it were intended to give these new Judges an original as well as an appellate jurisdiction, and so to make them a kind of second Lord Chancellor, it would have a very great tendency to enable political Lord Chancellors to be appointed who had not those high judicial abilities which it was so desirable for a Lord Chancellor to possess.

The SOLICITOR GENERAL said, that the fourth Clause of the Bill, which transferred the whole jurisdiction of the Lord Chancellor to these new Judges, would undoubtedly give them original jurisdiction. It was thought that there could be no objection to their having that power, should a case of necessity arise; or should all the appeals be disposed of—a case which was not likely to occur. The Clause enabled the Lord Chancellor to direct them to sit during the temporary absence from illness or unavoidable causes, of one of the Vice-Chancellors; and special provision was made for hearing appeals in such cases.

Mr. HUME believed that the abolition of hour-warrants in the Masters' Offices would remove a great deal of the evils of the Chancery system. Why should it not be the duty of the Masters to sit from, say nine o'clock in the morning, till at least the time that the Courts rose, and proceed from day to day with one cause until it was finished? He was informed that the Lord Chancellor had full power already to effect a reform of that nature in the Masters' Offices; why, then, was it not effected at once?

Lord JOHN RUSSELL: There has been this great change made in the Masters' Offices, instead of the hour-warrant system, the plan has been adopted of permitting the causes to proceed one after the other. [Mr. Hume: In all cases?] My hon. Friend will see that the order in which the causes are taken in the Masters' Offices is now published in the newspapers. The causes are now taken regularly in their order. That plan has been adopted with, I will not say entire satisfaction, because I believe there still exist difficulties with regard to the hearing of some of these causes. The matter is difficult and very complicated, and I do not think that we ought to expect the first plan to succeed, without the necessity of making further amendment. The Lord Chancellor pays much attention to these subjects and I feel confident he will be quite ready to adopt any improvement that may be made. I will say one word, and one word only, as to what has been said by my right hon. Friend the Member for Ripon (Sir J. Graham) with respect to the office of Lord Chancellor. I certainly should have given very great weight to the objection which he has made, if it were not the very authority which he himself has quoted. It is well known that when the proposal to appoint a Vice-Chancellor was brought before Parliament in 1811, it was stated by Sir Samuel Romilly that, if that appointment were made, you could not expect men of great legal eminence to be appointed Lord Chancellors. That office, he said, would become one which would be given to followers of the Government, and not to men distinguished for their legal acquirements. I think the prediction of Sir Samuel Romilly in that respect has been entirely falsified. But another thing which Sir Samuel Romilly said—namely, that the Lord Chancellor would not hear original causes, but would have his time entirely occupied by appeals, has been fully justified by the event. But I think no one that considers who has held the Great Seal since the days in which Lord Eldon received it, will deny that the very ablest men in the profession of the law have been appointed to that office. I do not think that this Bill will make any alteration in that respect. The Lord Chancellor will still have to sit in the Court of Chancery; he will still have to decide some of the most difficult and important cases which can come before any Judge; he will still have to preside in the House of Lords; and he will still remain a person to whose authority his colleagues will bow on occasions in which mixed questions of law and politics may come under the decision of the Government. I think, therefore, on the one hand, that it will be to the interest of any Government to procure the abilities of the ablest, of the very first man at the Bar, to fill the office of Lord Chancellor; and I think, on the other, that we do retain so much dignity in this high position that it will continue to be such an office as a man of the highest abilities at the Bar may very well accept. I do not think the present plan open to the objections which were urged against the Bill brought into the House of Lords by the late Master of the Rolls, Lord Langdale; and I think it is of the utmost importance that the Lord Chancellor should have more time to devote to the great question of law reform, for such questions require great attention, not only to their principle, their scope and object, but also in matters of detail; and I have found that the Lord Chancellor, from the press of his business in his own court, and from a conscientious feeling to discharge his duty in the causes which came before him, could not find time, whatever might be his zeal, ability and learning, to accomplish all the duties which properly belong to the office of Lord Chancellor, and also to attend to those matters of legal reform. I think this Bill will give great facilities in that respect. The hon. Member for Preston (Sir G. Strickland) said the Bill only touched a part of the evils attached to the present system; and my right hon. Friend (Sir J. Graham) said that we ought to begin reform not at the top but at the foundation of the building. But I will remind my right hon. Friend that in laying foundations it is desirable to have an architect able to devote his time to see that they are properly laid. By means of this Bill we shall have an architect with time at his disposal. The misfortune is, that at present there is no person who is at once competent and willing, with time at his command, to lay those foundations. I trust, therefore, that great advantage will follow from the working of this Bill.

MR. J. EVANS thought it would be desirable to have an architect who would lay the foundation for legal reform; and to whose hands could that important task be confided with more safety than to the Lord Chancellor? Everybody who knew the energy and perseverance of the present Chancellor felt that he would be able to cope with the task. One seeming objection to the present Bill was, that the decision of the Lord Chancellor might be overruled by his two assistant Judges of the Court of Appeal. On the other hand, if these two Judges were sitting alone, there might be a division of opinion between them, and in that case no decision would be come to. These objections might possibly be rectified, and, if not, they might be disregarded in consideration of the great advantages which would be attained by the Bill. He did not see why business could not be taken directly to the Masters' Offices, without its being necessary previously to make a merely formal application to the Court of Chancery.

Clause *agreed to;* as were also the Clauses 2 to 6 inclusive.

Clause 7.

MR. HENLEY said, that provision had been made for the case of the two Judges of Appeal being divided in opinion when exercising an appellate jurisdiction; but he did not see that any provision had been made in the event of a similar case arising when they were exercising an original jurisdiction.

MR. BETHELL said, that he thought these Judges would sit separately while exercising an original jurisdiction; for if they sat together it would be a singular contrast to the other Courts of Chancery.

The SOLICITOR GENERAL said, they had only power to sit separately in case of the illness or accidental absence of one of the Vice-Chancellors. Should they dispose of all the appeals, they would then have an original jurisdiction, which they would exercise together, and if they should then unfortunately be divided in opinion, there must be a rehearing of the cause. Should they be divided while sitting on appeal without the Lord Chancellor, the decision of the court below would remain undisturbed, unless the Lord Chancellor chose to exercise the power given by the Bill, and to order the cause to be reheard before the full court.

MR. JOHN STUART feared that as great inconvenience would arise from two Judges sitting together to hear original Motions as from two Judges sitting together at Nisi Prius.

MR. BETHELL said, that he thought great mischief would arise from giving the Lord Chancellor power to order the rehearing of an appeal upon which the two Judges sitting alone had been divided in opinion, inasmuch as it would give rise to endless proceedings. First, there would be the hearing before the two Judges of the Court of Appeal; next, the application to the Lord Chancellor to order the rehearing, which would involve the consideration of the merits of the case; and then, if that was successful, there would be the rehearing before the full court. He thought it would be much better to give the full court the power of rehearing only such cases as the two Judges who had heard them should order to be brought before it.

LORD JOHN RUSSELL said, that the two Judges who had differed with respect to the merits of a cause, might also differ with respect to the propriety of having it reheard before the full court; and upon the whole he thought it better to let the Bill stand as it was.

Clause *agreed to;* as were also the three following Clauses.

Clause 11.

The SOLICITOR GENERAL proposed to add at the end of the clause the following words:—

"That in all cases where the concurrence, advice, or consent of the Master of the Rolls, and of the Vice-Chancellors, or either of them, shall be requisite for the making of rules or orders, the concurrence, advice, or consent of the Judges appointed by this Act may be substituted for the concurrence, advice, or consent of the Master of the Rolls or Vice-Chancellors."

Mr. BETHELL said, that much mischief had arisen from the necessity of resorting to so many sources of jurisdiction. By this practice suits were multiplied, and it became necessary to do twice or thrice that which might be more conveniently done once if the courts had not been divided under so many different heads. He proposed therefore to omit that part of the clause which prohibited, not only the Court of Appeal, but the Vice-Chancellors, from exercising the ordinary jurisdiction of the Lord Chancellor in lunacy. He should, by making the alteration he proposed, enable the Lord Chancellor during the Parliamentary year to attend to the House of Lords and the Judicial Council — arenas amply sufficient for all his powers; for if the Lord Chancellor had to hear, in the Court of Chancery, ordinary cases in lunacy, he would be taken away from his more important duties at this period of the year. It would also be very inconvenient to have a hearing suspended while the Lord Chancellor was engaged elsewhere, and therefore it was desirable that those lunacy cases should be heard by the Judges to whom he had referred.

The SOLICITOR GENERAL said, the Bill was originally framed with the view of transferring the jurisdiction in lunacy to the Court of Appeal; but it was found that such a proceeding would militate against the authority of the Crown, because the Crown could by Sign Manual commit such jurisdiction to whomsoever it chose. This Clause, therefore, provided that no interference should take place with the powers and duties of the Lord Chancellor, as having the custody of the persons and estates of persons found idiot, lunatic, or of unsound mind. The ordinary jurisdiction of the Lord Chancellor was transferred by Clause 4; but as to jurisdiction given by the Sign Manual, it would be improper to deal with that by Bill; the transference, in that case, must be made by the Crown.

Mr. BETHELL would suggest the insertion of the following words:—"That it shall not affect the powers, authorities, and duties of the Lord Chancellor, by virtue of any appointment by Sign Manual from the Crown." If his hon. and learned Friend agreed to the proposition he made, the ordinary jurisdiction would no longer be confined to the Lord Chancellor, but would be imparted to all the Judges, and they would be able at all times to meet the convenience of suitors.

The SOLICITOR GENERAL had not the least objection to the alteration proposed by his hon. and learned Friend. By the 4th section, all jurisdiction was conferred on the appellant court; but it was a sweeping proposition to ask them to confer that jurisdiction upon all the Vice-Chancellors and Master of the Rolls, and it required time for consideration.

Clause, as amended, *agreed to;* as were Clauses 12 and 13.

Clause 14, by which it is proposed that three members of the Judicial Committee of the Privy Council shall form a quorum,

Mr. BETHELL objected to the clause, on the ground that the Lord President of the Council might be one of the three. The Lord President was not usually a lawyer, and, considering what very important appeals came before the Judicial Committee, it would hardly seem correct that they should be decided by less than three lawyers.

Mr. JOHN STUART did not think a plurality of Judges was always necessary for the formation of an efficient and good tribunal. It would be recollected, that when Sir William Grant was sitting alone, he transacted the business in the most efficient manner. He believed that any person attending before the Privy Council when Sir William Grant sat there alone, and compared the mode of doing business with the way in which it had been done by the Judicial Committee, would admit that the increase of the number of Judges had created in no degree an improvement in the mode of conducting the business there. It might be well, perhaps, to have more than one; but why they should have four he could not see, and he hoped the Government would not consent to withdraw the clause.

The SOLICITOR GENERAL said, that if there was any court which, more than another, had given satisfaction, it was the new Court of Judicial Committee of Privy Council. The hon. and learned Member for Aylesbury (Mr. Bethell) objected to the clause, because the Lord President of the Council might be one of the quorum; but he (the Solicitor General) did not think it was the practice of the Lord President generally to attend. He thought the remedy proposed by his hon. and learned Friend was worse than the disease.

Mr. ROUNDELL PALMER thought, that, if they agreed to the clause, it would be found on many occasions that the court would be constituted with difficulty, and, when constituted, would not consist of judicial members. The colonies looked very much to that Court, as did also the people in India; and if a judgment at Calcutta were reversed, perhaps by one or two Judges who might not possibly stand as high in public estimation as other Judges, it would create dissatisfaction, and such an occurrence ought to be avoided. They should guard, therefore, against the quorum being composed of any other but professional members.

Lord JOHN RUSSELL said, that great difficulty had been found in making a quorum, and the consequence was, it often occurred that the Judicial Committee could not meet when it was desirable they should meet. They proposed by this Bill to do two things to remedy the inconvenience—one was, that three should be a quorum instead of four, and the other was, to provide that two Judges, not heretofore members of the Judicial Committee, should be members of it. He had no objection to any proviso by which care would be taken that those three members should be members of the legal profession. The Lord President attended very seldom.

Mr. BETHELL proposed to introduce these words—"Exclusive of the Lord President," thereby ensuring the attendance of three professional Members.

Amendment adopted.

Clause, as amended, *agreed to*. Clause 15 *withdrawn*. Clause 16 *agreed to*.

Clause 17.

The SOLICITOR GENERAL said, the object of the clause was to make the salary of the Lord Chancellor 10,000*l.* a year, including his salary as Speaker of the House of Lords, and that the sum he was to draw from the suitors' fund, including the sum paid to him as Speaker of the House of Lords, should not in the whole exceed the 10,000*l.*

Sir HENRY WILLOUGHBY thought it was not right that any portion of the salary of so high a functionary as the Lord Chancellor should be paid out of the suitors' fund, and he thought the more simple they made the payment of such functionaries the better.

Clause *agreed to.*

Clause 18.

The SOLICITOR GENERAL proposed an addition to the clause providing for the appointment and the payment of the salaries of the secretary, trainbearer, and usher of each of the new Judges. The secretary was generally a member of the Bar, who was to assist the Judge in referring to cases as to the points at issue in the cause before him. The usher was an officer whose principal duty was to act as clerk to the Judge, and do all the writing for him. The trainbearer's duties were more in the nature of a servant in Westminster Hall, and a messenger in carrying public papers and messages. It had been found that all those officers were necessary. The salary of the secretary of the late Master of the Rolls was 1,000*l.* a year; but the secretary of the present Master of the Rolls had only 500*l.* a year. Previously the secretary of the Vice-Chancellor of England received 500*l.* a year; but the Secretaries of the present Vice-Chancellors received only 300*l.* a year. Now, although each of the persons to be appointed under the Bill would have higher and more important duties, still it was proposed that their secretaries should not receive 500*l.* a year, as had been given to the secretary of the Vice-Chancellor of England, or so little as was given to the secretaries of the present Vice-Chancellors, but that a medium course should be pursued, and that the sum should be fixed at 400*l.* a year. It was proposed to give the usher 250*l.* a year, and to give to each of the trainbearers 100*l.* a year. When Vice-Chancellor Turner's Act was passed, it was found that the salary of the courtkeepers of the other Vice-Chancellors was only 40*l.* a year, but that of the courtkeeper of Vice-Chancellor Turner was fixed at 80*l.*, and it was proposed to raise the salaries of the other courtkeepers of the Vice-Chancellors to the same amount.

Mr. AGLIONBY was prepared to accept the statement of the hon. and learned Gentleman, that a secretary, usher, and trainbearer were necessary for each of the new Judges; and if these officers were necessary for the performance of the duties, the salaries were by no means exorbitant. He (Mr. Aglionby), however, wished to call the attention of the Committee to the manner in which the Judges were to be paid, and the fund whence their salaries were to be derived. He begged to ask whether the suitors' fund was the best fund on which to place the new

Judges? He said nothing of the old; but if public policy required the appointment of new Judges, those Judges ought to be paid by the country, and not by the suitors in court. He understood that there were two funds, one derived from the accumulation of interest of moneys placed out in the name of the Accountant General for the benefit and better security of suitors. That was the suitors' fund. The suitors' fee-fund, on the other hand, was raised expressly under the rule of the Court of Chancery. He was told those funds amounted to 200,000*l.* a year. Out of the suitors' fund were paid the Judges; out of the suitors' fee fund, the expenses of officers of court, and certain compensations. Parliament had delegated to certain persons connected with the Court of Chancery, instead of the Treasury, as usual, the power of fixing certain compensations. The consequence had been, that an enormous amount of the property of the suitors had been wasted. The Committee would be surprised to hear what was the expenditure, as shown by a return of which printed copies had just been delivered. What would be thought when he stated that, since 1842, up to the 25th of November, 1850, the salaries paid to some of the officers who were continued in employment, for salaries and compensation, amounted to no less than 589,000*l.* From another return it appeared that during the same period the total sum paid to the late sworn clerks appointed taxing masters was, for salary 58,108*l.* 13*s.* 8*d.*, for compensation 152,978*l.* 0*s.* 3*d.*, making a total of 211,086*l.* 13*s.* 11*d.* To pay the salaries and compensations 74,000*l.* a year was taken out of the suitors' fee fund. It had been calculated by an actuary that one of the clerks would receive, including the amount to be paid for seven years after death, 174,000*l.* He did not mention names, for his statement was made without any wish to reflect on individuals; and so little had he any desire of the kind, that he had moved for returns in some cases under which the statements were to be made, with reference not to the names of the parties, but to letters of the alphabet. It was true that these compensations were paid out of the suitors' fee fund; and it might be said that paying the Judge from the suitors' fund would be a relief; but if the Judges were paid out of the Consolidated Fund, there would be an enormous amount of the suitors' fund which would be fairly applicable to payment of compensations; so that the suitors would be relieved from a charge to which otherwise they would be liable for years to come. He wished to ask whether it was proper to charge an additional sum on the suitors' fund, instead of seeking the relief of the suitors' fee fund to that extent?

The SOLICITOR GENERAL said, he thought the proposal of the hon. Gentleman would be anything but a relief to the suitors, and would fix a heavy charge upon them. The suitors' fund might be called the bankers' profit of the Court of Chancery, as the money arose from the loose cash of the court, and on which there was no interest paid to the parties. The interest of the investments made by the Court of Chancery formed the fund. This seemed a very legitimate fund, and was that which the Committee had recommended in preference to the fee fund. It was a very different question whether the salaries should not be paid out of the Consolidated Fund. But he did not see how anything could be better than to take this fund, on which no one had any claim. He would not enter into the compensation to the six clerks, but with reference to the fee fund, the Committee ought to know that the charges upon that fund continued to diminish. By a recent order of the Lord Chancellor the charges had been diminished by about 20,000*l.* a year. Lord Cottenham and Lord Lyndhurst had also made orders reducing the fees. When the Commission had given its attention to this subject, he did not doubt there would be a farther reduction, particularly as the right hon. Baronet the Member for Ripon (Sir J. Graham) and the hon. Member for Oxfordshire (Mr. Henley) were added to it. When he formerly opposed making an increase in the member of the Commission, he was not aware that these two hon. Members were proposed to be added to it.

SIR HENRY WILLOUGHBY said, the suitors in the Court of Chancery derived no benefit from the diminution alluded to by the hon. and learned Solicitor General. In 1846 the funds was 207,000*l.*, in 1847 it was 106,000*l.*, in 1848 it was 204,000*l.*, and last year it was 270,000*l.* How stood the surplus at that moment he should like to know, and what was the amount of the principal? The public, he maintained, derived no benefit from it. He believed they derived no benefit from it, and he would believe the information which he had received on the subject before that of all the

Judges, for he did not believe that any Judge had ever paid costs.

The SOLICITOR GENERAL said, the hon. Gentleman did not understand what the suitors' fund really was. He appeared to think that it was in the nature of unclaimed dividends, but that was not so. It was a fund of the surplus cash paid into court, and the interest of which was applied to the public service. With regard to the amount of the fund, he could not speak precisely; but he believed that last year there was a surplus arising from it of 45,000*l.* after payment of all charges. He now proposed to place on that fund 14,000*l.* to which this Bill related.

MR. HUME said, his objection to the making of these payments out of the suitors' fund instead of out of the Consolidated Fund was, that it served as a cloak to cover a variety of charges which the House and the country knew nothing about. It was of the utmost importance that that House should know the particulars of all moneys that were paid for the support of the public establishments. But by charging nearly 100,000*l.* a year on the suitors' fund and the suitors' fee fund for the payment of salaries to Judges and other officers, the public were kept in ignorance of what really were those charges. They were acting inconsistently, because, with regard to unclaimed dividends at the Bank of England, they were ordered to be paid into the Exchequer, and if ever the money should be called for, the Exchequer held itself ready to pay that money back. But quite a different course was pursued with regard to the suitors' fund. That fund consisted of stock amounting to not less than 3,525,000*l.*, which produced a dividend of 103,398*l.* a year. Now, out of this sum the salaries of the Lord Chancellor, the Vice-Chancellors, the Masters in Chancery, the Accountant General, and others, amounting to 40,000*l.*; and the salaries of the clerks to the Lord Chancellor and the Vice-Chancellors, and other officers belonging to the Court of Chancery, formed an additional charge, making a net payment of 67,500*l.* out of this fund, leaving a surplus, not of 45,000*l.*, but of between 35,000*l.* and 36,000*l.* a year remaining still invested for the benefit of the suitors. He complained of these partial payments of our judicial establishment out of this fund, and regarded such payments as a fraud on the public. It was a great neglect of duty on the part of the Chancellor of the Exchequer not to take this money into account. But as regarded the fee fund, there was a question connected with it of a still more serious nature. The Committee had recommended that all fees in Chancery should be abolished as soon as the charges upon the fee fund should have been done away with. With that view he would have an account taken of those fees, and the amount should be brought into the public accounts, which should, however, be kept separate, together with an account of whatever might form a charge upon those fees. Bad as was the Bill of Lord Lyndhurst in imposing those charges, still, as the thing was done by Act of Parliament, he could not recommend a breach of faith by the abolition of such charges; he hoped, however, that Bill would act as a warning to the House never again to leave to a lawyer to effect a settlement of any pensions (of which the charges in question mainly consisted), but to require the Treasury to do that business. The fees received last year amounted to 150,146*l.*, and the whole amount of charge on that sum was 39,927*l.* The House would be fully warranted in reducing the fees to such a sum as would be only sufficient to pay the charges upon the fund. He trusted no new charge would be imposed on the fee fund; and, since the Government would not bring the particulars of the charges on the suitors' fund before the House, he should object to any further charge being imposed upon that fund. He would submit to the noble Lord (Lord John Russell) that he should at once make a beginning by paying the salaries of these new Chancery Judges out of the Consolidated Fund.

MR. VERNON SMITH was not altogether convinced of the necessity of the appointments of secretary, usher, and trainbearer. The very fact of a trainbearer at this time of day was fraught with ridicule. Again, he wished to have it explained why these two new Judges were to have salaries of 6,000*l.* a year each, while the Puisne Judges, who had to go the circuits, had only 5,000*l.* a year. They had been told to look forward to a Chancery Commission. They had had Chancery Commissions already, but he was not aware that any very beneficial results had arisen from them. It was, however, in the nature of man to hope; he therefore would still hope that good might come even from a Chancery Commission. But he should have been better pleased if there had been a majority instead of a minority of laymen on that Commission.

Lord JOHN RUSSELL: With regard to the appointment of a trainbearer, I believe that person is employed as a messenger, and to discharge the ordinary duties of a person attending on the Judges. With respect to the salaries, it appeared to the Government that if they appointed two Judges who were to sit as a court of appeal, and whose decision was to overrule that of the other Judges of the Court of Chancery, it would be desirable that a somewhat larger salary should be given to them than to the Puisne Judges. The Government have given a salary which would be insufficient for a Chief Justice of the Court of Common Pleas, or a Chief Baron, but which is considered sufficient for Judges who are to form a Court of Appeal in the Court of Chancery. With regard to the observation of the hon. Member for Montrose (Mr. Hume), I am not disposed to contest that which he laid down, that it would be desirable that the salaries of the Judges of the different courts should be paid out of the Consolidated Fund, that the public might see the whole particulars of those payments; and I confess I do not see any sufficient reason why that should not be done. But I do not think there is any use in applying that principle to this particular case. I think it is a measure of a more general nature than to be adopted in reference to these two appointments only.

Sir JAMES GRAHAM said, that what had just fallen from his noble Friend had given him most unqualified satisfaction. He did not believe any arrangement, upon the whole, would be more conducive to the public good, or more satisfactory to that House, than that which his noble Friend had just advanced. Because, although there was a distinction between the suitors' fee fund and the suitors' fund, yet it had always appeared to him that the better application of the suitors' fund would be to aid the suitors' fee fund in the diminution of the costs of the establishment. But, while they kept a perpetual charge on the suitors' fund, any reduction of the suitors' fee fund was practically impossible. If that were the ultimate object, it would be injudicious to impose any further charge on the suitors' fund. He was as rigid an economist as his right hon. Friend (Mr. V. Smith); still, he did think, if they had these two judicial officers, whose Chancery knowledge ought to be equal to that of the Lord Chancellor himself, and whose powers would very nearly approach those of that high judicial functionary—if this new tribunal invested them with those high powers—he thought that the office of those Judges should be looked up to as the object of promotion by members of high professional attainments. Having to exercise a thorough jurisdiction over all the other tribunals of the Court of Chancery, and sometimes possibly having to reverse the decisions of the Master of the Rolls himself, it was obvious that these persons must be taken from the very foremost ranks of the profession. They could not exercise a worse economy than to insufficiently pay officers of high judicial rank. Upon the whole, he did not think 6,000*l.* too high a sum for the discharge of functions of so delicate and important a nature. With regard to the charge upon the suitors' fund, he thought this measure would impose a very considerable increase of charge. As there was nothing like a beginning in these matters, it was worth consideration, while appointing these two Judges, whether their salaries ought not to be placed on the Consolidated Fund. Something had been said by the hon. Member for Montrose of the mystery hanging over the suitors' fund. Unfortunately there was the same objection to the Consolidated Fund. But he thought that public discussion ought not to be applied to the payment of judicial offices, as it would make them too dependent upon the caprice and will of an assembly. He, however, thought they ought to be paid out of the Consolidated Fund. He must ask the right hon. Chancellor of the Exchequer what had become of the Bill with respect to the payment of the officers of the Court of Chancery who were now paid out of the suitors' fund? He (Sir J. Graham) was of opinion that the recommendations of the Committee on that subject ought forthwith to be attended to; and that, if the Government were to bring the measure forward this Session, it would not only pass, but it would greatly redound to their honour.

Lord JOHN RUSSELL said, he had conversed more than once with his noble Friend the Lord Chancellor on the subject of the Bill to which his right hon. Friend had alluded, and that noble and learned Lord was himself of opinion that great changes ought to take place with regard to the salaries of the officers connected with the Court of Chancery; but the noble and learned Lord expressed a doubt whether it was advisable, when a Commission was sitting to examine into the nature of the jurisdiction and practice of the court, that he (Lord J. Russell) should meddle with the salaries of these officers until it was ascertained what duties were to be attached to each. It was therefore a question of time, whether it was desirable to remodel the offices, and then effect new arrangements with regard to their duties, or whether the whole system of the Court of Chancery should be examined and arranged, and the question of salaries taken at the same time.

MR. HENLEY was glad to hear that the noble Lord did not object to shifting all these payments to the Consolidated Fund, which would be a much more advantageous arrangement for the public.

MR. HUME said, the Committee last year recommended that the Vice-Chancellors should receive only 5,000*l.* a year, and he thought that sum was sufficient for these officers.

LORD JOHN RUSSELL said, that the proposal to give the Vice-Chancellors only 5,000*l.* a year had been adopted. But this was an office of greater importance; and if there were a Vice-Chancellor whom the Government and the public thought it would be desirable to have as a Judge of a court of appeal, there should be some premium to offer as an inducement to accept that office.

MR. HUME wished to know if any arrangement had been made with regard to the salary of the Puisne Judges hereafter to be appointed. He agreed with the right hon. Baronet the Member for Ripon (Sir J. Graham), that it would not be desirable to make the salaries of the Judges a subject of discussion in this House from year to year. But we ought to know what was in future to be the salaries of Puisne Judges.

LORD JOHN RUSSELL: My hon. Friend is not, perhaps, aware that the salaries of the Puisne Judges are 5,000*l.*, and the Committee last year did not propose any reduction in that salary.

SIR HENRY WILLOUGHBY said, that Clause 18 of the Bill provided for a salary of 6,000*l.*, upon the addition of which to the charge already on the fund, would leave an outside margin of 30,000*l.*

MR. HUME hoped that it was not intended to give to the members of the new court the power to appoint officers.

The SOLICITOR GENERAL replied that there was no power in the new court to appoint any other officers except a secretary, an usher, and a trainbearer.

It was then arranged that the salaries should be as follows:—Secretary, 400*l.*; usher, 200*l.*; trainbearer, 100*l.*

Clause *agreed to.*

Clause 19.

SIR JAMES GRAHAM said, that there appeared to be no provision in the Bill against the Appellate Judges being Members of the House of Commons; but he presumed that it was not the intention of the Government that they should be eligible to seats in that House.

LORD JOHN RUSSELL said, under the Act of Anne, this being a new office, the Judge could not be entitled to a seat in Parliament.

The SOLICITOR GENERAL then proposed an additional clause, which had been suggested by the hon. and learned Member for Newark (Mr. J. Stuart), and of which he entirely approved, being in effect that the Lord Chancellor should have power to appoint another registrar, if it should be found necessary to do so.

Clause *agreed to.*

Preamble *agreed to.*

House resumed; Committee report progress.

WOODS, FORESTS, &c. BILL,

Order for Committee read.

VISCOUNT DUNCAN said, he had given notice that he would move that it be an instruction to the Committee on the Woods, Forests, &c. Bill, to make provision therein, in conformity with the terms of the Resolution to which this House agreed on the 11th day of March last, relating to the payment of the gross income of the possessions and land revenues of the Crown into the Exchequer, and the expenses necessary for collecting and managing the same being placed under the control of this House. Mr. Speaker, with that kindness and urbanity by which he was distinguished, had, however, informed him that such a Motion would be irregular, and he, therefore, had taken that opportunity of informing the House that it was his intention to test its opinion on the fourth clause of the Bill. He had to ask his noble Friend the First Commissioner of Woods and Forests if he would have the kindness now to state the nature and provisions of the Bill. It was one of the most important Bills which had been brought in this Session.

LORD SEYMOUR had no objection to

answer any question which might be put to him when the House was in Committee.

Sir HENRY WILLOUGHBY said, that the House had as yet had no opportunity of learning the principles of the Bill, as the second reading had been carried at such a late hour that discussion was impossible. He had read over the Bill several times, and must confess that he could not well understand it. The noble Lord would save a good deal of discussion if he would kindly explain its principle and provisions.

Lord JOHN RUSSELL said, that a Bill on the subject had been introduced last year, from which the present Bill differed in some details, but not in principle. Last year he stated that the blending together the management of Works, and of the Woods and Forests, had led to inconvenience; and what the Government proposed generally was, that the Office of Works should form one department, and should be represented by a Member of Government in that House, who should bring forward and explain the estimates relating to his department, but that the persons employed in the Woods and Forests and Law Revenues Department should only have to consider the best means of managing them as a source of revenue.

Mr. TRELAWNY said, he must complain that the Bill was merely a new arrangement as regarded the mode of governing the Woods and Forests, and did not go into the evils which were so justly complained of, in order that they might be eradicated. At present the forests were almost unproductive. The New Forest, extending to about 60,000 or 70,000 acres, which ought to be worth about 1,500,000*l.*, produced almost nothing. These forests had been intended to supply the Navy with timber; but for the last ten years scarcely any of the wood had been used for such a purpose. The accounts, too, of the department were in a very unsatisfactory state. This was sufficiently demonstrated by a return which he had obtained of a letter of Mr. Anderson. That letter exposed, in connexion with the accounts, a system of great abuse. Under the present system they were wasting the public resources, and some method ought to be devised whereby such valuable property might be made as productive as it possibly could be.

Sir WILLIAM JOLLIFFE said, that the more he considered the subject, the more he was convinced of the great grievance the country suffered under from the management of the Crown property. He thought, however, that this Bill did not carry out the recommendations of the Commission of Inquiry. It was a Bill to make the department of the Woods and Forests more a matter of Treasury benefit than hitherto. Were the department placed under the management of a Board similarly constituted with the Poor Law Board, the affairs might be conducted with greater efficiency and economy.

Sir CHARLES BURRELL recommended that the forests should be disposed of in small allotments. This would prove beneficial in various ways, and would make the property much more productive.

Mr. GOULBURN apprehended that the Bill went no further than to improve the constitution of that court by which the Crown lands were managed, and that it would be left to that court afterwards to carry out the necessary reforms in the system of management. He thought the Bill might have been more definite in its provisions. It prescribed first the continuance of the present Board, or at least the continuance of a Chief Commissioner of Woods and Forests with two subordinate Commissioners; and for the better management of the department the Bill provided that these two subordinate Commissioners should have different departments to manage. This was the first arrangement. Then, about the third or fourth clause of the Bill, another arrangement was proposed. Power was there taken to appoint a surveyor-general, who was to supersede these Commissioners, and to have absolute control. He wished to know from his noble Friend if he had stated the provisions of the Bill correctly?

Lord SEYMOUR said, that objection had been taken to the Bill on various grounds. The unsatisfactory condition of the forests had been mentioned. He had to assure the House that he had done what he could in this matter. He had brought in a Bill regarding the New Forest, which had passed the Committee upstairs. By this Bill the management would be simplified, the Lord Warden's office would cease, the deer would be removed, and that would afford them an opportunity of letting the farm lands. It had been objected that the forest had not supplied timber to the Navy. He had been on a Committee on this subject upstairs in 1833, when a letter had been laid before them from the Admiralty, which recommended that in time of peace no timber should be cut except what was going to decay. Now, they had either to allow the timber to grow, and have a large quantity of it at hand when the exigencies of the country might demand it, or else cut it and sell it when ripe. The latter was not considered an advisable course. The next objection that had been made was as to the accounts; but he could assure the hon Member (Mr. Trelawney) that if he examined the blue book he would find that the accounts were now kept in the very manner which Mr. Anderson recommended. That gentleman, who had been employed on them for about two years, had satisfactorily arranged them. It had also been complained that the forests law led to great expense. On this point he had to inform them that he was bringing in a Bill to relieve the Crown from the feudal system of forest law. Another hon. Member (Sir W. Jolliffe) had said the present was a Treasury Bill, and not a Woods and Forests Bill. It appeared to him (Lord Seymour), that the best mode of securing economy was to put a department under the control of the Treasury, who were answerable for the expenditure of the country. He conceived that to be, therefore, a recommendation rather than an objection. The Bill gave an alternative. It left the office of Woods to two Commissioners, and then he inserted a clause to have a surveyor generally responsible and controlling the whole, and to have under him a practical land surveyor as a deputy, whom he might send about to different parts of the country, bringing back to him that information which a person in an office in London could not by any means obtain. It was impossible, with the land revenues of the country spread over forty counties, that gentlemen sitting at Whitehall could manage them properly, without this kind of information and assistance. One great and important object of the Bill was to facilitate the understanding of the complicated accounts of the office. They had now got accounts of so many different kinds of property, of land revenues, and of metropolitan improvements, that it was difficult, without the accounts were very well arranged, to understand them. If he wished to give a proof of the errors into which persons might fall, he would instance the statement of the noble Lord the Member for Bath (Viscount Duncan), who, in speaking of the land revenue law expense on a former occasion, said the solicitors' bills amounted in seven years to 79,000*l*. This at the time he thought was more than the usual Parliamentary exaggeration; and he afterwards looked into the accounts, and so far from finding that the sum was 79,000*l*., he found that more than half the charge was for purchases of land for metropolitan improvements. A new street was to be made through a pauperised and crowded district. Many of the houses were mortgaged, and the Commissioners had to obtain possession of each separate property, and then to sell the property on each side of the street afterwards. They were told, "Make the new street, but don't let us have any legal expense." Then they were told to make a new park at Battersea. He would show the House a plan of the land, with each plot differently coloured, and which resembled a tailor's pattern card. A right of common was also claimed over a considerable portion of this property, and these claims the Woods and Forests had to arrange and satisfy. Yet they were told, "You must not run into any legal expense." He supposed he should go on as his predecessors had done, incurring considerable legal expense. All that could be done was to take care that the business of the office should be conducted as economically as possible,

Viscount DUNCAN begged to explain that he took the statement as to the solicitor's expenses from a return which had been made to that House, and, therefore, if any blame was to be attached, it was to those who made the return, and not to him.

Mr. HUME said, the question was one of great importance. The country were aware of the gross abuses of the Crown revenues, in consequence of the statement of his noble Friend (Viscount Duncan). Now, what was it the Government proposed to do? He did not object to the Bill being a Treasury Bill; but he asked the House to recollect why they had the management of the Crown revenues. They were yielded to the country in lieu of 385,000*l*. granted to the Crown in lieu of the Civil List. He asked whether any individual, having property much scattered and very much mismanaged, would not desire to see it differently managed? The noble Lord had referred to the Admiralty letter; but it should be recollected, that the reason why the Admiralty did not buy the New Forest timber was, because about 2*l*. a load more than the fair market price was asked. He was confident if the Crown lands were properly managed, they would produce enough to defray the expense of the Civil List. The noble Lord (Lord Seymour) tried to cover some of the grossest jobs by producing a statement of legal proceedings. But the abuse of legal proceedings was, that the suits were going on for ten or twelve years, fees going on all the time, and no apparent termination of these suits. It was madness to attempt to retain the management of property distributed over forty counties. The question was, whether they had not arrived at the time when the sale of all the smaller properties and fee-rents should take place.

Mr. HENLEY said, the very fact of this Bill being brought forward, was a proof that there had been mismanagement of the Crown estates. It seemed to him, however, that this Bill was so curiously contrived as to prevent any one from being responsible, and that did not augur well for the future good management of the property. It did not make the Treasury responsible. If it did, he would be satisfied, because the Chancellor of the Exchequer and the First Commissioner of Woods and Forests would be present, who could be found fault with, and cross-questioned, as occasion might require. The Bill appeared to him to invest all power in two irresponsible gentlemen who might be at liberty to appoint irresponsible deputies to act for them. This was unsatisfactory, and he feared the House would find some difficulty in redressing any evil which might arise from neglect of duty. In the case of the land revenues the Treasury was mixed up with it, but in such a way as not to be responsible. He thought the three Secretaries of State were sufficiently overburthened with work already; but the Bill proposed to drag them in without making them responsible. The First Commissioner of Works was not responsible either. He could not say that the Bill offered any security to the country that the property would be managed better for the future than it had been in times past.

The CHANCELLOR of the EXCHEQUER said, that it would be useless to occupy the time of the Committee in going back to abuses which had occurred ten, twenty, or forty years ago. All that they were concerned with at present was how to get rid of those abuses, and how to place their affairs on a better footing. His hon. Friend (Mr. Henley) thought there ought to be in the House some person responsible for the Woods and Forests, who should be amenable to all their questions, and ready to give explanations on all subjects connected with his department. He (the Chancellor of the Exchequer) quite agreed with the principle. He thought there ought to be in the House a responsible head of every department; but there was an uncommon jealousy against increasing the number of official Members; and so they must rest content without having such ample opportunities of asking questions. As the matter stood, the Treasury would be responsible, as it were, for the Post Office or the Customs; and, as in those cases, it would have a check over the expenditure, inasmuch as any outlay would have to be sanctioned by it. With regard to the hon. Gentleman's other point, namely, the insertion of other persons upon the Commission, it would be similar to what was the case with the Board of Control and the Poor Law Board, of which he (the Chancellor of the Exchequer) had the honour to be a member, not that he actively interfered with the business of either; but in the case of the resignation or death of his right hon. Friend (Mr. Baines), for instance, it would be found convenient to have *ex officio* Members to carry on the business till his successor should be appointed.

House in Committee; Mr. Bernal in the Chair.

Clause 1.

Viscount DUNCAN said, he found that two Commissioners of Woods and Forests were to be appointed, with a salary of 1,200*l.* each, and that in the 11th Clause the noble Lord (Lord Seymour) contemplated afterwards the appointment of a surveyor-general with a salary of 1,500*l.* a year. He thought that they had better at once place the matter under the care of the surveyor-general, for he perfectly concurred with the noble Lord that the management of this property would be much better done by one person, especially as the two Commissioners were to keep, according to Clause 5, separate accounts.

Lord SEYMOUR said, that as, in addition to the surveyor-general, there was to be a practical surveyor, the expense of the two systems would be much the same. It had long been the custom that the business of the office should be divided between the different Commissioners, as he believed was the custom at all other Boards: and he had provided that the Treasury should make the division in order to define more clearly each Commissioner's responsibilities. He considered that in some things they might be jointly, and in others separately, responsible. The present mode of management was through surveyors of different districts; but whenever it should be in the power of the Treasury to substitute a surveyor-general for those surveyors, much economy would be the result, and they would obtain a better mode of management.

SIR HENRY WILLOUGHBY did not see why they should appoint two Commissioners, when the noble Lord seemed to admit that it was impossible for two commissioners living in London to manage the business.

The CHANCELLOR OF THE EXCHEQUER said, it was better to retain the present Commissioners, because, if they were not employed, they would put in a claim for compensation.

SIR WILLIAM JOLLIFFE considered both of the plans defective. There was responsibility in neither; and an efficient management could not be procured without having some responsible officer in that House.

MR. HENLEY thought the best way would be, to take the opinion of the Committee upon that part of the first clause which related to the appointment of two commissioners. If Government was of opinion that the estate could be better managed by a surveyor-general, they should at once adopt that course.

Amendment proposed, "In page 2, line 33, to leave out from the words 'this Act' to the words 'and the,' in line 38."

MR. GOULBURN said, that if, after five or six years, they appointed a surveyor-general, they would lose the benefit of their previous experience. Besides, as both commissioners could not be expected to die at one time—whenever they determined to resort to the new plan, they would still have to make compensation. They had better, therefore, make up their minds which was the better system, and adopt it forthwith.

MR. SLANEY thought the measure of the Government would effectually lessen the abuses which all had admitted to exist. If the Committee looked at the matter as men of business, he thought they would see that the Government were doing their best, and that by such remarks as had been made they were unduly pressing upon a Government willing to apply the necessary remedy.

SIR BENJAMIN HALL entirely dissented from the hon. Member who had just resumed his seat, for he believed that the Government were proceeding on an entirely wrong basis. The question before the Committee was nothing but a question of patronage, if they might judge of the future from what had taken place, when a late Commissioner, who had enjoyed a salary of 1,200*l.* per annum, had retired on a pension of 1,500*l.* He objected strongly to the appointment of the last Commissioner, who had been appointed since the report of the Committee of the noble Lord the Member for Bath, had been presented. He thought the entire constitution of the board required changing. He would have the Government choose at once whether they would abide by the system of Commissioners, or go to the management of a surveyor-general.

MR. VERNON SMITH understood it was the intention of the hon. Member for Oxfordshire (Mr. Henley) to negative the first part of the Clause. There certainly was some embarrassment in the Bill. He should have thought, looking to the Bill, that the right hon. Chancellor of the Exchequer wished to appoint a surveyor-general, but was hampered by the present Commissioners, because he had said that those gentlemen would be entitled to compensation. But he had left the Commissioners in an awkward position, because any Government might turn them out without compensation. The Bill provided for no compensation. His opinion was, that the appointment of a surveyor-general would be the best constitution; and if that step were taken at once, an opportunity would be afforded for deciding what should be done in the case of the Commissioners. But he could not see why it should be left to the Treasury to alter the scheme again, and to abandon these gentlemen without any compensation to which they might be justly entitled.

The CHANCELLOR OF THE EXCHEQUER said, that objection was taken against inquiry into the management, while no objection had been made to the management. The opposition was merely because the Government had inserted a clause in the Bill to the effect that, if at a future time it should appear that the appointment of a surveyor-general would be a better course, the Treasury might resort to it.

Sir JAMES GRAHAM said, he had arrived at the opposite conclusion from that of the right hon. Member for Northampton (Mr. V. Smith) upon the same premises; and, judging from the very fact to which that right hon. Gentleman had referred, he drew a contrary inference, for the Government would not have appointed a third Commissioner if they had not intended to continue the Commission. He thought the contingencies of appointing a surveyor-general were very remote. Upon the whole, he considered that the best mode of management would be to take the first clause as it stood, to place the Commissioners under the strict control of the Treasury, wait till they arrived at that clause, and then the weak points of the Bill could be removed. If his noble Friend (Lord Seymour) should be withdrawn from the Woods and Forests in the division of the duties—and he doubted if that would be an expedient change—he thought it desirable that the control of the Treasury should be stringent over the department of Woods and Forests. He should, therefore, support the first clause, but vote against the eleventh.

Lord JOHN RUSSELL said, that the case was this:—The gentleman who had been a Commissioner had resigned, on account of age and infirmity rendering him incapable of executing the duties of his office. He was unable, as he (Lord John Russell) had himself seen, to go to the various places he ought to have visited; but he had, however, thought it right to delay his resignation, in order to bear any charge that might be made against him; but as soon as the inquiry of the Committee was over, he said that he really could not carry on his duties longer, and requested to be relieved. He (Lord John Russell) should be of opinion, that the department had been very ill-managed if that gentleman had been continued in an office he was no longer able to fill, and therefore he had appointed a person whom he believed to be fully competent to the duty. At that time he doubted of such changes as those in the 11th clause, and had no view to the appointment of a surveyor-general in the Bill of last year. But it might be a desirable change if one person were appointed in that department, whose duty was actually to visit the various parts of the Crown lands, and, therefore, the Government had taken power by the eleventh clause, to make that change. But that was no reason for objecting to the whole plan. It was no objection to the plan proposed, that a further improvement might hereafter be made, and that the Treasury should have the power to make that improvement, if they deemed it necessary.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 123; Noes 70: Majority 53.

Clause *agreed to;* as were also Clauses 2 and 3.

Clause 4.

Viscount DUNCAN said, that his object in moving the Amendments of which he had given notice, was to carry out the resolution to which the House had agreed on the 11th of March last, relating to the payment of the gross income of the possessions and land revenues of the Crown into the Exchequer, and the expenses necessary for collecting and managing them being placed under the supervision of Parliament. The land revenues were only 350,000*l.* a year, and the Crown made a bad bargain in compounding it for 387,000*l.* During seven years the Crown only obtained 744,000*l.*, whilst the charges of collection were no less than 1,672,000*l.* If a future monarch should make a bargain with Parliament, the actual revenue of the Woods and Forests ought to be taken strictly into account. The gross income of the Woods and Forests had fluctuated but little, whilst the sums paid into the Exchequer had varied exceedingly. The income during the years 1847, 1848, 1849, was about 340,000*l.* a year, whilst in 1847, 61,000*l.* was only paid into the Exchequer; in 1849 the gross income was about the same, whilst the sum paid into the Exchequer was no less than 200,000*l.* The sums paid to the lawyers of the Woods and Forests in five years was 48,000*l.* The revenues of the Woods and Forests consisted of land in every part of the kingdom. One provision of the Act 10 George IV., was to secure the capital of the Crown, but that provision had been violated. A sum of 43,000*l.* was, for instance, allowed for the improvement of Barrack-street, in Dublin. That sum was voted by Parliament, but the improvement having cost more, that additional cost was ordered to be paid out of those land revenues.

Amendment proposed—

"In page 4, lines 13 and 14, after the words 'First Commissioner,' to insert the words 'and so much of the said Acts as makes the Salaries of the Commissioners of Woods, Forests, and Land Revenues, and the costs, charges, and expenses attending the management of the Possessions and Land Revenues of the Crown chargeable on the annual income thereof."

LORD JOHN RUSSELL said, the noble Viscount had stated what he (Lord John Russell) thought a very considerable public evil, namely, that a very large proportion of the income of the lands of the Crown and Woods and Forests were applied to other purposes, and were not paid into the Exchequer. But if the noble Viscount had gone rather more into the subject, he would have seen, so far from there being, as he stated, expensive collections of those revenues, they were, in fact, sums applied generally according to Acts of Parliament, and sometimes by orders of the Treasury, for the purpose of public improvements, and almost invariably sanctioned by that House. He (Lord John Russell) thought that was a very great error. If it was thought proper that Regent-street should be built, or that a park at Battersea, and another at the other end of the town, and other improvements should be made, the proper way of doing it would have been to have asked the House to vote money for the purpose, to have taken the money out of the public revenue, and left the land revenues untouched. But when the noble Viscount proposed his remedy, he (Lord John Russell) thought it was far less efficient than the remedy which the Government proposed. The source of the evil had been in the two offices being united, the Commissioner of Woods and Forests having in his office the land revenues, and also the duty of undertaking great public works and improvements, and he had either brought in a Bill or applied to the Treasury for an order by which the land revenue was applied to those purposes. The remedy the Government proposed was to separate entirely those two parts of the office, and to leave the Commissioners of Public Works to come and ask for money out of the public revenue for any public improvement. If Regent-street was to be whitewashed, if a museum of economic geology was to be completed, they would have to ask for a sum, and then it would be seen whether the House approved the expenditure or not, and the revenue of the Woods and Forests would go into the Exchequer. That was exactly the Government Bill, and a complete and efficient remedy for the evil. He thought what the noble Viscount proposed would add another to the evils which now existed. He (Lord John Russell) begged the Committee to consider before they adopted the proposal to have all the expenses of management, and all the details of the Woods and Forests, brought annually before them. If four labourers were employed in one place, upon that estimate, it would be asked if two were not enough. If a person had 200*l.* a year to look after a certain estate, it would be asked whether 150*l.* would not suffice. That would be the infallible course of discussion in the House; but the consequence would be that they would be unable to consider those Bills and measures which they desired to see passed, such as the Bill with regard to the Court of Chancery. The whole Session would be taken up by votes and estimates on these matters of detail, and it would be impossible to transact any of the public business of the country. It was part of the noble Lord's (Viscount Duncan's) plan that the salaries of the Commissioners of Woods, Forests, and Land Revenues, should be defrayed out of the moneys to be from time to time provided by Parliament, making the expenses matter of estimates, and leaving the details of cost and management matter of account to be laid annually before Parliament. They were now laid before Parliament, and a greatly improved form of accounts had been adopted; but if the House were to insist that all public expenditure of every kind should be laid annually before Parliament, the result would be that they would have nothing else to do, and it would be impossible to carry any Bill in the course of the Session.

MR. W. WILLIAMS said, the argument was very convenient for the Government. The noble Lord (Lord John Russell) wished to retain the power of squandering this money as it had been squandered now for a number of years past. The Crown revenues were as much public property as any part of the taxes; and he would ask if there was any greater difficulty in voting the expenditure necessary for the maintenance of the Crown estates, than in voting the Miscellaneous estimates, or the Army and Navy estimates? How could the time of the House be better employed? He never heard reasons more fallacious than those which had been adduced by the noble Lord at the head of the Government against the proposition of the noble Viscount the Member for Bath. On an average of years, something like 75*l.* per cent of the revenues of the Crown estates had been squandered away. He thought it high time that such extravagance should be put an end to, and with that view he hoped the Committee would sanction the proposition of the noble Viscount.

MR. HUME said, it appeared, from a paper which had recently been laid upon the table, that during the last seven years the sum of 1,118,000*l.* had been expended on palaces and parks; 471,000*l.* of that sum had been voted by Parliament, and the remaining 647,000*l.* had been paid out of the land revenues without the knowledge of Parliament. The request embodied in the Amendment of the noble Lord (Viscount Duncan) was a reasonable one; it was carrying out a good system; and he (Mr. Hume) submitted that the Government ought not to refuse their sanction to it.

LORD SEYMOUR said, when the hon. Gentleman complained of sums being spent upon the parks, of which the House was not cognisant, he should remember that it was the House which pressed the formation of parks upon the Government. Complaints had been made of the number of nights occupied in the House by Government; but if this Amendment were carried, it would add greatly to the duties of the House. He did not think the proposal of the noble Viscount the Member for Bath accorded with the spirit of the Bill; and if it were agreed to, it would be found exceedingly difficult to make it coincide with the principle of the measure.

MR. HENLEY said, if the Treasury were to be entirely responsible for the sanction of all those expenses, he did not see why the Chancellor of the Exchequer, or the noble Lord the First Commissioner of the Treasury, should not be able to give some account of the expenditure of the money over which it was said they exercised so much vigilance. The House never heard of want of time when the Government wanted money. He should vote in support of the Amendment, if it went to a division.

MR. VERNON SMITH would remind the Committee that the accounts relating to those matters were annually laid before Parliament, so that any hon. Member might inspect them from time to time.

LORD JOHN RUSSELL said, he proposed to agree to so much of the Amendment as had reference to the salaries of the Commissioners of the Woods, Forests, and Land Revenues.

SIR HENRY WILLOUGHBY said, he should support the Amendment of the noble Viscount the Member for Bath. He (Sir H. Willoughby) could not understand how the Committee could resist the evidence which was before them. It was perfect moonshine to talk of the control of the Treasury.

Amendment proposed to the said proposed Amendment—

"To leave out the words 'and the costs, charges, and expenses attending the management of the Possessions and Land Revenues of the Crown.'"

Question put, "That the words proposed to be left out stand part of the said proposed Amendment."

The Committee divided:—Ayes 73; Noes 99: Majority 26.

Clause, as amended, *agreed to.*

House resumed; Committee report progress.

The House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, July 4, 1851.

MINUTES.] *Took the Oaths.*—The Lord Petre (The Oath prescribed by the Act of 10th Geo. IV. to be taken by Peers professing the Roman Catholic Religion), and sat first after the death of his Father.

PUBLIC BILLS.—1ª Oath of Abjuration (Jews); Ecclesiastical Jurisdiction; Burgesses and Freemen's Parliamentary Franchise; Highway Rates.

2ª Landlord and Tenant; Masters' Jurisdiction in Equity; Farm Buildings.

3ª Survey of Great Britain, &c.

SMITHFIELD MARKET REMOVAL BILL.

Order of the Day for the Consideration of Sections 1 and 5 of the Standing Order No. 180, in order to their being dispensed with, read: said Sections *considered* accordingly.

LORD BEAUMONT said, their Lordships knew the objects of the Smithfield Market Removal Bill. The Bill might be technically a private measure, but in effect it was pre-eminently a public one, and he respectfully submitted that it would be in the last degree irrational to insist that it should be subjected to the same rules and regulations which were required in the case of ordinary Private Bills. It was not a small, a personal, or a merely local interest that was sought to be affected by the Bill. The interests of the public at large were vitally concerned—not only the interests of this metropolis, with its two millions of inhabitants, but also those of the persons who supplied the City with animal food, the thousands of persons who inhabited the neighbourhood and vicinity of this great capital, and, indirectly, to all the agricultural occupiers throughout the kingdom. Such a Bill must, therefore, be of a public character, and of such importance as to fill their Lordships with regret if its objects should be frustrated by adhering to any technical points in the rules of their House. In regard to Bills of a similar character, which, though of a public nature, still affected the interests of private parties, the House had resolved that those parties should not be excluded from an opportunity of being heard in their own defence; he should, therefore, be very sorry to take any step which would prejudice any party who had a private interest either in the present or any other Bill. The course which he proposed would not exclude any interested party from being heard in his own defence; and it was precisely because it would do no injury to the private interest of the Corporation of the city of London, that he asked leave to proceed with his present Motion. The rule of their Lordships was, that all parties interested should be heard in their own defence, either by themselves or by their counsel, against any portion of a Bill which affected their rights or interests. Their Lordships had also provided that, with regard to Bills which affected private interests, notice should be given to the parties so interested. That provision was introduced to prevent interested parties from being taken by surprise on any measure. If a Bill were of a small local interest, it was only just that such notice should be given of it, for individuals had not the same power as a great Corporation to obtain information of the risks to which their property might be exposed. Now, if this Bill had not been known beyond a small private circle—if it had been introduced to the notice of their Lordships upon petition—and if it had been so brought before the House without the parties interested having any knowledge that their interests were attacked, he should say that their Lordships would act correctly in enforcing their Standing Orders, and in not proceeding with a Bill where the parties applying for it had failed to give the requisite notices. But the present measure was of such notoriety that every body had notice of the intention of Government to proceed with it. Effectual notice of it had been given long since in the public prints, and by the discussion which had taken place upon it, not only in those prints but also in the two Houses of Parliament. It was true that no formal notice of the intention of Government to proceed with this Bill had appeared in the *London Gazette* and in the newspapers in October and November last. It was true, also, that the Orders of the House with regard to Private Bills had not been complied with; but though the Corporation of the city of London had not received such notices, it had received effectual notice of the measure which was about to be introduced, inasmuch as several communications respecting it had taken place since the close of last Session between the two parties to it—he meant Her Majesty's Government and the Corporation of London. He therefore maintained that the object of their Standing Orders had been essentially complied with, and that the security which they were intended to provide for private interests had been afforded, and that the parties interested had no reason to complain that formal notices had not been given them in October and November last. He relied also on the precedents which were to be found in the records of their Lordships' House, as much as he did on the justice of his case. Several Bills of a character similar to the present had not been referred to the Standing Orders Committee at all; as, for instance, the Opera Colonnade Bill, the Chelsea Bridges Approach Bill, the Shoreditch New Street Improvement Bill, the Portland Harbour Bill, the Greenwich Improvement Bill, and the Battersea Park Bill. In 1830 Lord Lonsdale, who was then Chief Commissioner of Woods and Forests, had brought in a Bill to remove the market for the sale of hay from a certain street called the Haymarket. In the case of that Bill no notices were given. It was referred in the House of Commons, as it was afterwards in the House of Lords, not to the Standing Orders Committee, but to a Select Committee. On the 18th of April, 1830, it came up to the House of Lords. It was read a second time, and then committed to a Committee of the whole House. It was there conducted as a Public Bill, and was afterwards read a third time and passed. It might, perhaps, be urged that in the Bill then before the House there was a peculiar grant to the Corporation affected—that the Corporation of London were of opinion that this Bill repealed a grant made to them so far back as the reign of Edward III.—and that they had had no notice of this intended repeal. He maintained, on the contrary, that they had had ample notice, though they might not have had a private formal notice. In the case of the Islington Market Bill, though the Judges had advised their Lordships that private interests were affected by it, the House had taken no steps to reject the Bill on the grounds of insufficient notice. In this Bill there was no clause repealing any charter of the city of London. If the formal notice had been given, such notice would not have set forth the repeal of the charter. All the advertisements in the world could not have given them more knowledge than they already possessed of the design of the Bill. The only ground of complaint which the Corporation could advance was, that they had not got the exact notice required by their Lordships in case of Private Bills. Now, no injury had been or could be done to them by not receiving that notice. His opinion was, that this Bill was a Public Bill, and, if so, it ought not to have been referred to the Standing Orders Committee. If, however, their Lordships should not agree with him that this was a Public Bill, but that it was a Bill of a mixed character, partly public and partly private, still he was of opinion that in the exercise of their discretion they should suspend the Standing Orders. That discretion they had undoubtedly the right to exercise; for, if they had it not, they would, as his noble and learned Friend well observed the other night, be nothing else than slaves to their forms and orders.

Moved—"That the said Sections be dispensed with on the said Bill."

Lord REDESDALE considered this Motion to be of great importance, as well on account of the importance of the Bill to which it related, as on account of the innate justice of the case. First of all, his noble Friend insisted that this Bill ought not to have gone to the Standing Orders Committee at all; and then he argued, that even if it ought to have gone there, and if the Committee had reported against it, the report ought not to be regarded, but the Standing Orders ought to be suspended. In the other House of Parliament no one ever expressed a doubt

about sending this Bill to the Standing Orders Committee; and it had been very properly sent there in that House, as it was also sent here. It was essentially a Private Bill, and if their Lordships should once allow the Government the power of bringing in a Private Bill, without affording to private interests the protection which they had always hitherto enjoyed, they would expose the rights and properties of individuals to dangers to which they had never hitherto been exposed. The noble Baron had then maintained that if the Bill were a Private Bill, the Standing Orders ought to be suspended, and had quoted precedents to show that they had been frequently so suspended. But on what grounds had that been done? It was always in cases in which the Standing Orders Committee had reported that the Standing Orders ought to be dispensed with. He undertook to prove that there never was a case in which it was so clear that the Standing Orders should be complied with as the present. One of the reasons for establishing the Standing Orders regarding Private Bills was, that it was only fair that those whose private interests were assailed by Bills of attack, should have time given them to prepare for defence. Now, what would have been more easy in the present case than for the Government to give the Corporation notice of its intention to proceed with this Bill during the present Session? It was proved in the evidence before the other House, that soon after the close of the last Session the Government had sent a communication to the Corporation, in which they asked whether it was their intention to remove this market; and that the reply of the Corporation was that it had no such intention. He maintained that on receiving that reply the Government should have served the Corporation with notice of their intention to introduce this Bill. The consequence was that the Corporation, not having received any notice from the Government, resolved to bring in, and did bring in, a Bill of their own. He had watched, as it was his duty as Chairman of the Standing Orders Committee to watch, all the proceedings in the present Bill; and the protection which he now awarded to the powerful Corporation of London, he should have awarded to the weakest and poorest corporation in the kingdom. He asked their Lordships calmly and deliberately whether the Corporation of London had done anything to forfeit its right to such protection? Under these circumstances, unpleasant as it might be to him to oppose the further progress of this Bill—which might be a desirable Bill, though not regularly introduced—he must resist the present Motion. He did conceive it to be a very unusual course for the House to set aside the conclusion of the Standing Orders Committee. That Committee had a right to expect the support of Her Majesty's Government. If the House did not give support to their Committees, it would be out of the question to expect that the Committees could discharge the onerous duties assigned to them in a manner either creditable to themselves or advantageous to the country. Nothing could have been easier than for the Government to have given the requisite notices, just as the Corporation had done in the month of November last. Alter the title of this Bill, and suppose that it was not Smithfield but Covent Garden Market that it affected; suppose, further, that the Duke of Bedford, as proprietor of the latter market, came to the Standing Orders Committee, and claimed its protection; suppose that that Committee reported in his favour, would not their Lordships, one and all of them, come down to the House in order to protect him from the attack irregularly made upon him by the Government? That protection which their Lordships would be ready to give to a Member of their own body, why should they withhold from the Corporation of London? He cared not whether it was a large or a small, a rich or a poor corporation; but so long as he had the honour to remain in the chair of the Standing Orders Committee, so long should every corporation and every private individual receive from him the same protection. Unpleasant as it was to him to oppose a Bill which, for anything he knew to the contrary, might be a beneficial one, he should feel himself bound, on grounds of public policy and general justice, to oppose any Motion having for its object the dispensing with the Standing Orders. If their Lordships would sanction such a Motion, they would do that which would not tend to promote the true interests of the public, or have a favourable result even for their Lordships' reputation. If their Lordships dispensed with the Standing Orders in the present instance, they would give a great shock to public confidence, and would destroy one great security which the public possessed against an injurious interference with private rights.

The MARQUESS of LANSDOWNE reminded their Lordships that the question they were called upon to decide was not only important as affecting the Standing Orders, but also as concerning the progress of a Bill in which the public undoubtedly had a deep interest. The noble Lord who had just addressed their Lordships (Lord Redesdale), being the Chairman of the Standing Orders Committee, had only done his duty in defending the principle of the Standing Orders; but though those orders were unquestionably very valuable, and though they were well designed for the protection of private rights and interests, he never could bring himself to believe that either House of Parliament could have intended to make themselves so completely the slaves of those Standing Orders as to exclude from consideration the various inducements of public advantage which might conspire to render it desirable and expedient that those orders should occasionally be set aside. It was not easy to draw with critical accuracy the precise line of demarcation which separated Public from Private Bills. The attempt to draw that line had been frequently made; but he was persuaded that an accurate examination of the various measures which were passed by the Legislature from year to year would go to prove that in one-half of the Bills which were styled public, private interests were involved, and that at least one-half of the Private Bills affected the interests of the public also in a minor or greater degree. It was clear, therefore, that it was by the precise proportion or degree in which one character preponderated over the other, that their Lordships must be determined in applying one rule of action, or the opposite rule, to any measure that might be brought under their consideration. The present measure might not, technically speaking, be a Public Bill; but surely it would not be denied that in effect and substance it was pre-eminently entitled to that designation. If ever there was a Bill which deserved to be regarded and treated as a Public Bill, it was this, the object of which was to regulate the supply of animal food for the inhabitants of this great capital—and to provide that that supply should be of the very best and purest quality So pre-eminently was this considered to b a public question, that all the Governmer of Europe had felt themselves justifi with a view to the protection of societ taking the management of it into own hands. The best means of supplying good, cheap, and wholesome food to the inhabitants of this great metropolis never could be considered as a matter of private interest; and therefore it became the Government, watching over the public interest, to provide that every one in this huge metropolis should have the means of obtaining meat in its best state and in the most effectual manner. The noble Lord who had introduced this Motion, had directed their Lordships' attention to the fact, that in the case of the Bills relating to the Colonnade in Regent-street, and the Park at Battersea, private interests were held by the Legislature to be subservient to public interests; and surely it would not be denied that the objects which the Colonnade Bill and the Battersea Park Bill contemplated to effect for the public, sank into insignificance when compared with the great public object which it was intended, not without notice, not without inquiry, to achieve by the present Bill. It was idle to maintain that any party had been taken by surprise in this matter. The Bill had been discussed at numerous public meetings, and in the columns of every newspaper in the country. An active agitation had been got up on the subject, both in town and country, and nothing was left undone to acquaint every man, woman, and child, in the kingdom of what was intended to be done with regard to it, and of the reasons why such things were intended. Under all the circumstances of the case, he should feel himself obliged to vote in favour of the Motion, and he trusted their Lordships would pursue a similar course. He admitted that it was only for grave considerations that the Standing Orders ought to be departed from; but he hoped that their Lordships would agree with him in thinking that public opinion and public good ought not to be sacrificed to points of technical form. If the day should ever come when there was the same necessity for removing Covent-garden market as there now was for removing Smithfield market, he should be among the first to assent to a similar Motion under similar circumstances, just as he knew that his noble Friend the Duke of Bedford would be the first, and not the last, to assent to the removal of such a nuisance.

The Duke of RICHMOND was sorry that he felt himself bound in common justice to vote in favour of his noble Friend's (Lord Redesdale's) view of the question—for he had a perfect horror of Smithfield

The Marquess of Lansdowne

market—it was injurious to the public, aye, and it was injurious to the agricultural interest, inasmuch as it was not large enough to contain the beasts which they sent to it, and which were thus damaged and deteriorated in value. He viewed the question with reference to the Standing Orders, which ought either to be adhered to or abolished. He wanted, however, to know why Government had not given notice to the Corporation in time, and why it was in such a hurry to proceed with this Bill, when it could introduce another regularly within six months' time? Let the Bill be thrown out now, let due notices be given, let another Bill be brought in next Session, and then he (the Duke of Richmond) would vote for it. His noble Friend opposite had produced some precedents for his Motion; but his noble Friend had not told them that the Acts which he had referred to as precedents had ever been referred to the Standing Orders Committee, or that that Committee had reported upon them at all. Now, who were the members of that Committee? Peers of the highest character, chosen from both sides of the House, to see that private interests were adequately protected. He had attended many meetings of that Committee, and unless their Lordships backed it with their support, instead of overthrowing its decisions, that Committee would be rendered worthless, and he doubted whether they would be able to obtain Peers to attend upon it. He repeated that Smithfield market was at present an inconvenience and an injury to the country—he had a downright horror of it—but he could not get rid of the regard which he thought due to private property.

Earl GRANVILLE felt very grateful to the noble Duke for the admission which he had made as to the merits of this Bill, and for his acknowledgment of the very great evil which it was intended to remove. He (Earl Granville) would not enter at present into the merits of the Bill, but would confine himself strictly to the question on the Standing Orders. He agreed with the noble Marquess, that in ordinary cases it was important that the Standing Orders should be complied with. But there was a great difference between a Bill of this magnitude and importance and a Private Bill of the ordinary character. When a Public Bill was introduced in the other House of Parliament, if on the face of it any of its provisions affected the rights and interests of any individual or of any corporate body, it was referred at once to the Standing Orders Committee, to see what injury would be done to the rights and interests of that individual, or of that corporation. Then the Standing Orders Committee considered whether the parties would be put to more inconvenience by its being introduced as a Public or a Private Bill. If the interested parties were put to more inconvenience by its being introduced as a Private Bill, then, if the due notices were not given, as in a Private Bill, the proceeding ceased; but, if not, then the Committee considered whether they would be placed in the same favourable situation as if it had been introduced as a Private Bill. In this case the Committee of the House of Commons found that no injustice would be done to the Corporation of the city of London by introducing this Bill as a Public Bill; but on one particular point it ordered a notice to be given to the Corporation in the course of March last. The noble Earl then proceeded to examine the question whether any injustice had been done to the Corporation by the course now pursued; and, after some reference to the evidence given before the Committee in the House of Commons by one of the Corporation officers, concluded that no injustice had been committed. When they recollected the notice which the Corporation received from the Secretary of State in July last, and when they also recollected the publicity which had been given to the subject by the Committees which had been appointed, and by the inquiries which had been instituted, he thought it quite absurd to contend that any injustice had been inflicted on the Corporation in consequence of the notices not having been given, which, it was said, the Standing Orders required. He was of opinion that, if the House did not agree to the course proposed by his noble Friend (Lord Beaumont), it would bring its Standing Orders into disrepute, and would not increase the respect now paid to the House itself.

The MARQUESS of SALISBURY said, that the Motion of Lord Beaumont, if carried, would deprive the Corporation of London of a boon conferred upon it by ancient charter. If their Lordships should adopt that Motion, the conclusions of the Standing Orders Committee would in every instance be called into dispute.

LORD BEAUMONT said, the noble Lord the Chairman of the Committee appeared to think that, if his (Lord Beaumont's) Motion were carried, it would do away with or slight the Report of the Standing Orders Committee. Now he differed with the noble Lord upon that point. The Standing Orders Committee could not have reported otherwise than they did. The evidence before them was such, that they could not come to any other decision than that the Standing Orders had not been complied with. But the Standing Orders Committee was a Committee to investigate and report upon facts. They had in this case investigated the facts, and found that the Standing Orders had not been complied with; and they had reported the result of their investigations. But it was for their Lordships to decide whether they would enforce the Standing Orders or not; to say whether they would bind themselves down to be the slaves of the Standing Orders Committee. It depended with the House whether the question of the Standing Orders should be raised. This was not a question with respect to what injury would be inflicted by the Bill. The question really was, whether the parties had notice or no, and he (Lord Beaumont) maintained that they had.

The EARL of DEVON thought the noble Lord who had just sat down, had not at all satisfactorily described the duties of the Standing Orders Committee. It was not correct to say that that Committee had delegated to it only the right to inquire into facts. It was the everyday practice of the House that the Standing Orders Committee, having ascertained the fact that either the whole or a portion of the Standing Orders had not been complied with, recommended that they should be dispensed with, to a certain extent, and that the Bill should be proceeded with. On the other hand, they had necessarily the power, if they were of opinion that the justice of the case demanded it, to offer an opinion that the Bill should not be proceeded with. They had to exercise a discretion with respect to the preservation of the rights of the public. The adoption of the suggestion of the Committee would not delay the Bill more than six months. The question then was, whether the Bill was of that importance in its character and detail as to call for the suspension of the Standing Orders, in order to have it passed this year. Having looked at the provisions of the Bill, he must say that he could not see that it was calculated to effect that public good which would alone justify the House in suspending the Standing Orders; and he thought no harm would result from having its consideration postponed to the early part of the next Session.

Lord BROUGHAM observed, that, in voting for the Motion of Lord Beaumont, he merely voted on the point of the propriety of dispensing with the Standing Orders. All those noble Lords who were opposed to the removal of Smithfield market—and he confessed that he was strongly in favour of its removal—would have an opportunity of stating their opinions hereafter, and would not be precluded from opposing this Bill by any vote they might give now. He had originally been of opinion that this Bill should have been treated as a Private Bill, and that the Standing Orders as to notices ought to have been complied with. But, on more mature reflection, he had had more than doubts of the correctness of his conclusion. This market of Smithfield was impeachable, or rather indictable, as a public nuisance. It might, he repeated, be so proceeded against. He repeated that he thought that Smithfield market was a public nuisance, and that the rights of the Corporation were endangered by continuing such a nuisance. It was a nuisance as a market, and it was a still greater nuisance on account of the dangers which environed the public in its avenues and approaches. By the course proposed by his noble Friend opposite, those who opposed this Bill were not shut out from opposing it; the Corporation was not shut out from defending this nuisance. It might still resist the general cry for improvement, and might still maintain its right to stand by its ancient nuisance. It was not true that the House of Commons had treated this as a Private Bill. It was, therefore, for their Lordships to consider whether they would treat it as such. If, however, he were asked, "Supposing it to be a Private Bill, will you suspend the standing orders?" he had no hesitation in saying that he would, and give his support to Lord Beaumont's Motion.

Lord REDESDALE observed, that it was the duty of the Committee under the Standing Orders to state their opinion, and to report it to the House, on the question whether those orders had been complied with, and whether, if not, the Bill should be proceeded with. In this case the Committee had reported in the negative on both these questions. If this Motion were carried, it would be the first instance in which the Report of the Standing Orders Committee had been disregarded and set aside; and it would open a door to injustice, which they would have great difficulty in closing hereafter.

On Question, their Lordships divided:—Content 76; Not Content 22: Majority 54.

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Resolved in the *Affirmative;* and Bill to be read 2^a on *Monday* next.

PURCHASE OF LANDS FACILITATION, BY MEANS OF TRUST FUNDS (IRELAND), (No. 2) BILL.

Order of the Day for the Second Reading, read.

Lord BEAUMONT moved the Second Reading of his Bill bearing the title of "Purchase of Lands Facilitation, by means of Trust Funds (Ireland) (No. 2) Bill." The noble Lord, in supporting the measure, referred to the Act passed in 1830, commonly known as "Lynch's Act," which related to the lending of money on landed estates in Ireland. By that Act trustees were authorised to lend trust funds on landed security in Ireland, even in cases where no such power was created by the instrument of trust. He (Lord Beaumont) did not defend that Act; but as the Legislature, whether rightly or wrongly, had adopted it, he thought those persons who had acted on the faith of it should be protected. A great deal of money had been lent under that Act, and trustees considered that they had a good and perfect security; and in many cases they were still satisfied with the security they held. But since the passing of that Act, the Encumbered Estates Act had become law, and it gave power to creditors to enforce a sale of the land on which they had a mortgage. The last mortgagee might throw the estate into the market, and under the last-named Act the prior mortgagee, who was generally a trustee, had not power to bid at the sale. He could not prevent the land going at a price much below its value, while if he had the right of bidding, he might buy it in. Thus it clearly appeared that in the present state of the law, the first mortgagee was robbed of his money when the estate was sold under its real value. By the Bill he proposed to give power to trustees to protect their cestuique trusts, by enabling them to bid, if they thought proper, at any forced sale of the lands on which the trust funds were secured. He would thus prevent the puisne creditor first forcing an estate into the market, then buying it at a low price, and subsequently selling it again, with a Parliamentary title, for double the sum he had given for it. He did not propose to give power to trustees to deal with trust money in a manner they ought not; but only asked for the trustee power to protect the trust. He asked their Lordships to allow money lent in Ireland to be placed on the same terms as in England, where there was the right of foreclosure; in Ireland the trustees could not help themselves as the mortgagee in England was able to do. A mortgagee in England was entitled to be paid off before the land was sold; he could foreclose and hold the land till he was paid, and the land redeemed. The prior mortgagee being a trustee, had no such power in Ireland of protecting his cestuique trust; he was at the mercy of the owner and of the puisne creditor, because the Encumbered Estates Act had given power to subsequent creditors to throw the estate into the market. The noble Lord here read a letter from Mr. Hargrave, containing his opinion on the principle of the Bill, and enclosing the opinion also of Dr. Longfield. The substance of the two opinions was a general approval of the Bill; that the power proposed to be given would be useful; that the power conferred upon the owner by the Encumbered Estates Bill was an invasion of the rights of the prior mortgagee; and that in certain cases the trustee ought to be authorised to purchase. Having read these letters, the noble Lord went on to say that Baron Richards had expressed his approval of the general tendency of the Bill, but had not entered into the subject so explicitly as Mr. Hargreave and Dr. Longfield. He proposed to give power to the trustee to sell, as he ought to be able to do so when the market was good, as, if he could sell then, the money originally lent under Lynch's Act, could be paid up. The question really was whether the prior mortgagee was to lose all the money he advanced, for as the law stood the trustee could not fulfil his trust, for the security on which the money was lent was taken from him; and all he obtained was a portion of the purchase money arising out of a forced sale in a depreciated state of land and in a glutted market; or, in other words, the question was whether the trustee was to be allowed to buy in the land on which trust funds were lent, and to sell when the estate would realise the full amount of the mortgage, or whether the whole of his security was to be taken from him by other parties. The power he proposed to give the trustees would only be used for the benefit of their trusts. When large estates in Ireland were brought to the hammer under the Encumbered Estates Act, they sold for little or nothing; there were no bidders; the parties most interested in keeping up the value of land were excluded from the market; land jobbers bought, and the sum given did not pay off even the first incumbrancer; but he hoped, if Parliament sanctioned the principle of his Bill, that its operation would enable trustees to realise the whole amount of the mortgage. The Encumbered Estates Act was forcing sales, causing a glutted market, and excluding purchasers. Their Lordships might rely upon it that, as things were now going on in Ireland, unless they adopted some measures with the view of inducing capital to go into that country, and enabling parties to manage their property advantageously, they would make the Encumbered Estates Bill a most dangerous measure, against which the hostility of the country would eventually be directed. If his measure were passed, he had no doubt that capital would make its way there under a wealthy proprietary, and that the prosperity of the land would be promoted. He proposed in the next place to enable trustees to lend money to a person willing to buy, but who had not sufficient means of his own to go into the Encumbered Estates Court and purchase. Thus the sale of property would be facilitated, and deserving parties assisted; and to his portion of the Bill he understood the Lord Chancellor of Ireland could see no objections whatever.

Moved—That the Bill be now read 2ª.

The LORD CHANCELLOR trusted that their Lordships would not allow the money provided for their children by men long gone to their graves, to be transported to Ireland for the purpose of remedying any defects in the Encumbered Estates Act. The people looked to this House for the protection of their property. He thought there had already been some departures from that protection, which, for the honour of the House, their Lordships ought not to have adopted. He thought the present Bill was one of that character, the effect of which would be to extend a Bill of that class, which was passed some years ago. Property in Ireland had become much embarrassed. There was great difficulty in obtaining loans; and, for the convenience of persons in Ireland who wanted the money, and not for the advantage of persons in England, the Legislature passed a Bill to authorise trustees, who had no authority before, to advance money upon mortgage in Ireland? What had been the consequence? Evidently the grossest abuses of trust; and this Bill was, in one part, intended to relieve those trustees from those breaches of trust, and, in another part, to enable them to extend those breaches of trust. The trustees of infants and married women had lent money upon mortgage, and the noble Lord said every farthing was to be lost. Did Parliament expect, when it gave authority for the investment of money in Ireland, that the trustees would come back and say, "We have executed the trusts contrary to the will of those to whom the property formerly belonged; we have withdrawn the property of those who could not protect themselves from investments of security, and lent it in Ireland, and now there is no chance of getting a shilling back unless you give us further power to become purchasers of the estates on which the property is advanced." The Legislature was first juggled into permitting an abuse of trusteeship, and was now to be juggled into a permanent investment of trust funds in Ireland, intended to meet the exigencies of the families of the testators. It might or it might not be correct that there was no chance of recovering the property; but, at all events, let the trustees remain subject to the liability to make that property good.

LORD BEAUMONT: They are not subject to the liability.

The LORD CHANCELLOR: The noble Lord said they were not liable. He (the Lord Chancellor) believed he was labouring under a mistake. The trustees were limited in the investment of trust funds upon the security of lands in Ireland, in the same way as in England and Wales. They were not relieved from the responsibility of lending upon improper security. In England trustees were allowed to advance money upon mortgage; but the Court of Chancery said, "Take care what you advance upon; you shall never advance upon a second mortgage, nor beyond two-thirds of the value of the property, nor upon any property on which a prudent man would not advance his own money." He (the Lord Chancellor) said, if these trustees had lent their trust moneys upon improper security, they were responsible for an abuse of their trusts. The Bill which authorised the investment of money in Ireland, placed trust funds in a position different to that in which they were left by those who provided them, and, therefore, that Bill ought to have been strenuously opposed; but it was never intended to withdraw the common protection, requiring the investments to be made upon good security. The object of the Encumbered Estates Bill was to turn into money the funds which had become invested in Ireland, but were always intended to remain in money. Was the prosperity of Ireland such as to authorise the permanent investment of trust property in that country? The noble Lord said by and by the estates would produce all the money. He (the Lord Chancellor) asked, When? and echo answered, When? He had stated truly the effect of the first part of the Bill, and he called upon their Lordships to do justice to infants and married women who were likely to lose those trust funds by rejecting it. The Encumbered Estates Act being, as the noble Lord said, very bad, and very cruel, and very unjust in its operations, the second part of this Bill was to afford a remedy. But how? By perpetuating the authority of the Commissioners in the hands of the Court of Chancery in Ireland. An evil was complained of, and they were asked to protract it. He (the Lord Chancellor) begged to move, as an Amendment, that the Bill be read a Second Time that day Six Months.

Amendment *moved*, to leave out "now," and insert, "this day Six Months."

The Earl of GLENGALL observed that the Encumbered Estates Bill was introduced by the Government with the hope of diverting English capital to Ireland. Upon that Bill he charged all the mischief that the noble Lord (Lord Beaumont) had described, and he considered Parliament was degraded and disgraced so long as it allowed such an arbitrary law to remain on the Statute-book. Before its enactment, property in Ireland generally was worth twenty years' purchase; in the north of the country it was worth a great deal more; and in Galway and Kerry about eighteen years' purchase. Thousands of acres had since been sold for between ten and eleven years' purchase, and more than a million of the money of those who had advanced it, on the supposition that Irish estates were worth more than twenty years' purchase, had been already totally lost. It was very pleasant for the owner of an estate owing 20,000*l.* to get his estate sold, and to buy it in, through some friend, for 10,000*l.*, because he thereby wiped out a clear 10,000*l.* of debt. But the creditors were cheated of that amount, and he could bring before their Lordships half a dozen most flagrant cases, in which the most infamous frauds had been in that way perpetrated. He considered it was one of the causes which had led to the immense tide of emigration which had set out from Ireland, and to the frightful depopulation of that unhappy country. Still, whilst abusing the Bill, he should be sorry if it were supposed he was abusing the Commissioners. He believed they had endeavoured to get the best price they could for the estates, and to them no blame could attach. The condition of Ireland was a lamentable thing to consider, and they should use every means to raise and improve it. The population was this year two millions less than it was in 1840, whereas it ought to be two millions more. In conclusion, he hoped their Lordships would pass the Bill. There was one clause to which he objected, but that could be amended in Committee.

Lord BEAUMONT replied. The Lord Chancellor, though he had made an effective speech, seemed not to have read the Bill.

The LORD CHANCELLOR said, he had not only read it, but he held a copy of it in his hand.

Lord BEAUMONT contended that the noble Lord, judging by his speech, must have mistaken its import. The fact was, that the money had already gone to Ireland, and there was no way of getting it back, unless, by this Bill, the trustees were enabled to purchase and resell. The trustee had perfect security when he originally lent the money, for the land could not be sold; but under the Encumbered Estates Act, which had an *ex post facto* effect, there was a power given to sell for a mere trifle, and thus the property was taken from the trustee for ever. The Bill would enable trustees in Ireland to be placed on the same footing as mortgagees in England. The three Encumbered Estates Commissioners had given it as their opinion that some such measure was rendered necessary by the circumstances of the case. He would, of course, record his vote in its favour; and he believed it would some day or other pass, for there were very many parties who were now demanding it.

On Question, that ("now") stand part of the Motion, their Lordships divided:—Content 3; Not Contents 16: Majority 13.

Resolved in the *Negative;* and Bill to be read 2ª on *this day Six Months.*

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, July 4, 1851.

Minutes.] Public Bills.—1° Battersea Park Amendment Extension; Unlawful Oaths (Ireland); Turnpike Roads (Ireland); Private Lunatic Asylums (Ireland).
2° Marriages (India); Summary Jurisdiction (Ireland).
3° School Sites Acts Amendment; Ecclesiastical Property Valuation (Ireland).

THE ECCLESIASTICAL COMMISSIONERS AND THE BISHOPS OF THE CHURCH OF ENGLAND.

Sir BENJAMIN HALL gave the following notice for Friday next. The septennial period having arrived for the revision of episcopal incomes by the Ecclesiastical Commissioners, and it appearing by Parliamentary Paper, No. 400, that during the last fourteen years the Bishop of Durham has received 79,658*l.* more than the net income assigned to his see; and during the last seven years the Bishops of Chichester, St. David's, Norwich, Oxford, Rochester, and Salisbury, have received

28,267*l.* more than the net income assigned to their several sees: to ask Lord John Russell whether it is the intention of Her Majesty's Government to propose any legislative measures for obviating the inconvenience and occasional hardship resulting from the present uncertainty of Episcopal Incomes, in accordance with the desire of the Committee on Episcopal Incomes (Parliamentary Paper, No. 400, p. 294, Sess. 1851)? Also, to ask whether the Bishops who have received larger incomes than were assigned to their sees have paid the surplus over to the Common Fund, or have retained it? It appearing also by the same Parliamentary Paper, No. 400, that the Archbishop of York, the Bishop of St. Asaph, and the Bishop of Ely, are indebted to the Common Fund to the amount of 14,225*l.*, and that by another Parliamentary Paper, No. 153, of the present Session the Ecclesiastical Commissioners have failed by correspondence to obtain the payment of sums due from those bishops, to ask whether the Ecclesiastical Commissioners intend taking legal proceedings for the recovery of the sums which, according to the last Report of the Ecclesiastical Commissioners, appear to be due from certain bishops; and, if not, what course they propose to adopt that the Common Fund may not be deprived of that amount so long due, as appears by Parliamentary Paper, No. 153, and so repeatedly demanded? Also, whether it is true that the Bishop of Salisbury has intimated to the Commissioners that he will receive from them, as a fixed income, the sum assigned to his see; and whether any other bishop has acted in like manner?

Lord JOHN RUSSELL: I may be allowed to appeal to the House for a few moments, because I think that the notice which the hon. Baronet has just given is somewhat unfair to the persons concerned in it. If the hon. Gentleman had asked me a question of which he had given me notice, I could have given some explanation to the House.

Sir BENJAMIN HALL: I give notice of the questions for Friday next.

Lord JOHN RUSSELL: That is what I complain of. Because the evident presumption which would be drawn from the notice of the hon. Gentleman by this House and by the public is, that certain bishops were assigned certain sums as their net income, and that, having received further sums, they had not paid over what was due to the Ecclesiastical Commissioners. Now, I beg to state generally that the arrangement made was this—when the Commissioners considered this subject, it was their opinion that it would not be advisable to fix a sum as the income of each bishop, as that, they thought, would make it too much resemble the salary of an office, and this was not thought a fit form of dealing with the income of bishops. That was the opinion of the Commissioners, and they therefore came to the determination that certain sums should be paid over by the bishops, it being their opinion that that would leave a fitting sum to each bishop. Whether the Ecclesiastical Commissioners were right or wrong in holding that opinion, he would not say; but that was their opinion, and while the Commissioners thought that the income of the Bishop of Durham should be 8,000*l.*, and the Bishop of Salisbury 6,000*l.*, the bishops were to take the risk of those sums exceeding or falling short of the sums proposed: and I remember that the agent of the Bishop of Durham said that it would be very disadvantageous to that bishop to have to pay over the fixed sum of 11,000*l.* a year. That is the arrangement; the result has been that some of the bishops have received more, and others less, than the sums that were agreed upon; but to these sums, according to the arrangement, they are entitled by law. Whether that was a good arrangement or not, I will not say—I confess that I think it was not—but it has been so settled, and last year Parliament determined that there was no more claim to take away from the bishops the surplus, than there could be to take away from any other person what he enjoyed by law.

Sir BENJAMIN HALL: I beg to be allowed to state that I neither say, nor did I wish to say, that an income was assigned to each bishop. I say that a certain income was assigned to the see, and that the bishops have received a larger sum than was assigned to the see. The sums received beyond those assigned to the sees have not been paid to the Commissioners, and I wish to know whether legal proceedings will be taken to insist on their payment?

Mr. HORSMAN rose, amidst loud cries of "Order!"

Mr. SPEAKER: The hon. Gentleman, to make himself in order, must speak to the question before the House.

Mr. HORSMAN said, it was a question of fairness. He appealed to the right hon. Gentleman (the Speaker) whether the noble Lord was in order when he made a statement with respect to episcopal incomes. ["Question!"] The hon. and learned Member for Newark might call "Question" as long as he liked, but it would have no effect on him. The point he wished to state was this, and this only, in reply to what was stated by the noble Lord—that they who moved for these returns complained that the arrangements under the Act of Parliament as to episcopal incomes were not carried out; and when they asked why, they were entitled to have an answer; and when they asked for returns, they were entitled to have them. On various occasions he had asked questions on this matter, to which he had received answers which were not correct. And on this he took his stand, and said, when they asked questions, they were not to be put down by the hon. and learned Gentleman the Member for Newark, and others who knew nothing of the question. All he had to say was, when they made inquiries either of the Government or of the Ecclesiastical Commissioners respecting episcopal returns, he hoped they would be met with that courtesy and that consideration to which they were entitled. Lately he asked a question respecting the estate of Horfield, and he received an answer from the Chief Commissioner which was incorrect. They had to ask these questions against the feeling of the House; they undertook what was a very ungracious and odious task, and having undertaken it, they were not to be put down. He, for one, would persist in these inquiries. He had received on two occasions, answers which he knew were incorrect; and had it not been that the right hon. Gentleman came forward subsequently and stated, that the answer he first gave with regard to one of them was incorrect, he should not have known what course to take to get that information which he knew existed.

MR. H. DRUMMOND requested to be allowed to say one sentence as a near relation and intimate friend of one of the noble Prelates who he thought had been maligned. He did not complain that any notice had been given in that House, but he did complain of an assertion being made when there was no power in any person, according to the rules of the House, to deny it.

MR. GOULBURN said, he felt very deeply the inconvenience of permitting a discussion of this kind, and if he had followed his own feelings, he should not have answered the observations that had been made; but the hon. Gentleman had charged him with giving a false answer. [MR. HORSMAN: Incorrect.] The answer he had given was correct in substance. He stated that he had not any knowledge of the terms on which the lease of Horfield was given; and that was true. The hon. Gentleman did say in an undertone something about the Copyhold Commissioners, and he (Mr. Goulburn) having referred to a communication made by the Copyhold Commissioners to the Ecclesiastical Commissioners, he had subsequently acquainted him with the whole of the circumstances, stating that there had been a communication received from the Copyhold Commissioners with reference to the Horfield estate, but that it did not mention the terms of the lease. The hon. Gentleman ought not to tax him with that which he would scorn to do—namely, to endeavour to mislead the House. He thought, therefore, the hon. Gentleman had no right to task him with having given an improper answer.

SIR ROBERT H. INGLIS supposed that the hon. Member for Middlesex (Mr. B. Osborne) did not intend by moving the adjournment of the House to postpone the further progress of a Bill (the Ecclesiastical Titles Bill) which had occupied so much of the time of the House. Although there might have been much literal accuracy in the notice given, yet there was not such literal accuracy as to justify them in receiving it, inasmuch as the question affirmed that there were six bishops who were indebted to the Ecclesiastical Commissioners in the sum of 28,267*l*. Nothing could be more unfair than such a statement, and he thought it ought not to be placed on the books of the House.

SIR BENJAMIN HALL did not state that the bishops owed this sum to the Ecclesiastical Commissioners, but only that six bishops named in his question had received 28,267*l*. more than the net income assigned to their sees.

ECCLESIASTICAL TITLES ASSUMPTION BILL.

Order for the Third Reading read.

MR. J. O'CONNELL said, with reference to the notice which he had on the paper, to the effect that the third reading be postponed to that day six months, as he believed, from what had been stated the evening previous, that it would be more for the convenience of the House to have the debate taken on the question "that the Bill do pass," he would defer his Motion, and more especially as the suggestion had come from that section of the House no less distinguished for statesmanlike ability than religious toleration, which was represented by the right hon. Baronet the Member for Ripon, and the right hon. Gentleman the Member for Oxford University.

Mr. REYNOLDS said, he could not consent to the third reading of this Bill of pains and penalties. His opposition to it remained unabated. No one knew what this Bill was ultimately to be. The noble Lord at the head of the Government, who was the author of the Bill, even after the lapse of five months, could not tell what shape it was to assume within the next twenty-four hours. Under these circumstances wiser men than he, and men of more experience, had advised that there should be a division on the third reading, inasmuch as by the forms of the House, if the noble Lord was to move that the Amendments, as they were called, of the hon. and learned Member for Abingdon be expunged, he could not move that till after the third reading. They therefore gave their consent to the third reading; but it was the kind of consent that an oyster gave to be opened—and on the understanding that the debate upon the main or general question was to be taken as soon as the Bill should have assumed its new shape—and he must say that it was a politico-religious cameleon that had changed its hues in every stage, and what its next hue would be, whether green, or black, or drab, entirely depended on the collective wisdom of the nation. He, therefore, begged to be distinctly understood as reserving to himself the right of stating his views on this Bill of pains and penalties on his creed and his country, on the question that the Bill do pass.

Bill read 3°.

Lord JOHN RUSSELL said, the first Amendment he had to propose was in the second clause. He had stated previously it was not his intention to propose any Amendment in the preamble as it now stood, or in the first clause as it now stood. In the second clause there was an Amendment of the hon. and learned Member for Abingdon (Sir F. Thesiger) introduced without a division, and that Amendment was almost, if not quite, the same in terms with an Amendment proposed on a previous day, when they were going into Committee on the 6th of June, by an hon. Baronet, with regard to procuring any bull from Rome, which was rejected by 133 to 129. The objection to the clause introduced was stated by his hon. and learned Friend the Attorney General, who said if they made it subject of penalty to obtain a bull, and again imposed another penalty for assuming the title, that was, in effect, making two penalties for the same offence; and that he (Lord John Russell) believed to be perfectly true as regarded that part of the Bill. But there was another part of this Amendment which related to the publication of any bull, making the receipt or publication of a bull or rescript a penal offence. Now he thought that the effect of this proviso would be, that if any newspaper proprietor or editor should publish such a document, he would be liable to the penalty; and that surely was not an offence which they ought by law to proscribe. If after prohibiting the assumption of the title, and if after forbidding the obtaining a rescript to use this title, they should merely have a prosecution against an editor of a newspaper who had sought that prosecution in order to make himself notorious, it would be rendering the legislation of that House and the action of Government applicable to small purposes. It would not be advisable for the Attorney General to prosecute under such circumstances, and that being so, it was not advisable to impose any penalty. With regard to the said offence of procuring a rescript or rescripts from Rome, it would be very unlikely that evidence would be obtained that any person had procured a rescript. It was therefore that he judged it better to leave out these words. The noble Lord concluded by moving to leave out in the second clause, after the words "any person" in the 27th line, all the words down to the words "any person" in the 32nd line.

Clause 2, page 2, line 27.

Amendment proposed—

"To leave out the words 'shall obtain, or cause to be procured from the Bishop or See of Rome, or shall publish or put in use within any part of the United Kingdom any such Bull, Brief, Rescript, or Letters Apostolical, or any other Instrument or Writing for the purpose of constituting such Archbishops or Bishops of such pretended Provinces, Sees, or Dioceses within the United Kingdom, or if any person—'"

Sir FREDERIC THESIGER said, that the noble Lord had certainly dealt with his Amendments with his usual skill and dexterity. A division having been taken on one of those Amendments, and there being a considerable majority in its favour, the noble Lord had taken a second division, and had been defeated by a still larger majority. The noble Lord then anticipated that, if he continued the contest, he would probably meet with a more signal defeat, and he accordingly drew off his forces under promise that he would renew the engagement at this stage. He had certainly not extricated himself from the very considerable embarrassment in which he was placed, and he appeared to him (Sir F. Thesiger) to have plunged himself in hopeless inconsistency. For what was it that the noble Lord had agreed to? He had agreed to this, that it should be declared by the Legislature that "all briefs and rescripts which have been heretofore issued by the See of Rome for the purpose of creating archbishops or bishops to pretended provinces and sees, shall be, and are, deemed unlawful and void." Now, what was it that the noble Lord resisted? He attempted to resist the provision that he (Sir F. Thesiger) proposed to introduce into the Bill, that all future briefs and rescripts of a similar description should be prohibited under penalty. He confessed that if he had to choose between the adoption of one or other of these clauses, he thought he would rather be in favour of prospective than of retrospective legislation. The noble Lord, however, had a choice in the matter, and he had chosen to admit that which was undoubtedly of very great importance, but which would only constitute a half measure, providing for the past without making any provision for the future. Now on what grounds did the noble Lord offer this opposition to his (Sir F. Thesiger's) Amendments? On a former occasion the noble Lord had expressed the opinion that these Amendments introduced very little, if any, alteration in the scope of the Bill, and he said that he was surprised that he (Sir F. Thesiger) should have attributed so much effect to his Amendments. He then added that, so far as these proposals went, they came within the general scope of the Bill, and that he should certainly abide by the decision of the House. [See *Hansard*, cxvii. 1338 and 1346.] He (Sir F. Thesiger) had been curious to ascertain the grounds of the noble Lord's present opposition to the introduction of this provision, and he would advert to them presently; but he thought it necessary first to refer to a discussion on this subject with reference to the effect of the first clause of the Bill. His learned Friend the Attorney General, in answer to questions which were put to him on this clause, as far as he (Sir F. Thesiger) understood him, expressed the opinion that there was a prohibition contained in the clause which would create a misdemeanour with reference to these briefs and rescripts: at all events, if there was a prohibition which created an offence in the first clause with regard to briefs and rescripts, it was an offence wholly with reference to past briefs and rescripts. He asked the House to consider, then, whether his hon. and learned Friend had not conceded, by his admission, all that he (Sir F. Thesiger) desired on the present occasion, namely, the necessity of making a provision for any future bulls and rescripts of a similar character to that which led to the introduction of the Bill? For what was the nature of the offence, if any, which was involved in this first clause? He apprehended it was an offence which might be said to be contemplated either by the 16th Richard II., or by the 13th of Elizabeth. It must either be the bringing of these bulls, briefs, or rescripts into the realm, or it must be, under the statute of Elizabeth, the using or putting in use any such bull, writing, or instrument, obtained or gotten from the Bishop of Rome. He apprehended, therefore, that it was perfectly clear that any prohibition contained in the first clause, would not operate against the assumption of ecclesiastical titles. The House was informed at a very early period that the object of their legislation should be to repel the assumption of power in the documents which have come from Rome, a pretension to supremacy over the realm of England, a claim which was inconsistent with the sole and undivided sway of the Queen, and the supremacy of the Crown. In other words, the noble Lord told the House that they ought to direct their legislation against the assumption of power and authority contained in these briefs and rescripts, and all briefs and rescripts of a similar character. Now, how was this object to be attained? Clearly not by the mode which the noble Lord originally proposed; because against the assumption of titles the clause would have no effect whatever. A bull, or other similar instrument, had no operation, according to the usages of the Roman Catholic Church, until it was received and published, and it was against publication that the legislation of the House ought to be directed; for, without that, it would be impossible to reach the root of the evil. That a brief, or bull, was of no authority until it was received and published, he apprehended would be admitted by the noble Lord, and by his hon. and learned Friend the Solicitor General; and if there was any doubt on that subject, he would refer hon. Members to the evidence given by Dr. M'Hale, before the Education Committee, and to the statement of one of the professors at Maynooth. The modes of publication were, he believed, threefold—by affixing the bull on the church doors, by reading it in the different churches of a diocese, or by delivering it to the priest of a parish to communicate to each individual of his flock its contents. Now it was rather important, with reference to the objection which the noble Lord had taken, to ascertain what was the meaning of "publication" in the clause which he (Sir F. Thesiger) had proposed to introduce. The Bull or Brief being of no authority until it was published, he was anxious to know from the noble Lord whether he meant to say that the statute of Richard II. was in force at the present moment, and if it was to be made available against aggressions of this kind? He had over and over again asked that question of the noble Lord, but he could get no answer to it. He had also asked his hon. and learned Friend the Solicitor General whether it was meant to punish the introduction of Bulls and Rescripts under the statute of Richard II., and he thought he was entitled to a distinct answer. The statute of Elizabeth, according to his (Sir F. Thesiger's) view, now that it was deprived of penalties, had no operation, and the law could only be made operative, under the statute of Richard II., for publishing. Did the noble Lord mean that that law should be in force or not? The noble Lord admitted the law to be in existence, but he inclined to consider it inoperative, and he chose to leave it in that state, or rather in a worse state than he found it; for, by refusing to legislate upon the basis of that law, he left it, so to speak, more of a dead letter than it was before. If, then, the noble Lord did not intend that the statute of Richard II. should have an effective operation, some provisions would be wanted to meet the very case which the noble Lord had told the House they ought to be prepared to meet. They ought not to proceed so much against the assumption of titles as against the publication of Bulls, and if their legislation was not directed to that quarter, the law, he could assure them, would be inefficient and inoperative. He maintained, then, that the noble Lord could not fairly and properly object to the clause which he (Sir F. Thesiger) had proposed to introduce, because it was framed in accordance with the principle of the statute of Richard II., while it mitigated the severity of that law. No one would think of applying the penalties of *præmunire* to the offence prohibited by that Act, those penalties being, in fact, uncertain and unknown at the present day. His (Sir F. Thesiger's) clause would have this effect, that it would give the law a modern shape, and would be operative in that direction where the noble Lord had told the House they ought to be on their guard. What, then, were the objections which the noble Lord had made to the particular clause which he had proposed? He said, in the first place, that an objection had been made by the Attorney General to this clause, because it applied a double penalty to the same offence. It was true that his hon. and learned Friend did say that it would impose a cumulative penalty; but he was answered at the time, and successfully answered, that the offences of procuring a Brief from Rome, and of publishing a Brief, were distinct from the offence of an assumption of a title under that Brief; and that, therefore, there was no reason why there should not be a penalty for each offence. But a cumulative penalty was an additional penalty for the same offence. He had disposed, therefore, of that objection. With regard to the next objection, the noble Lord said that the words "publishing or putting in use in any part of the United Kingdom any such Bull, Brief, or Rescript," might possibly apply to the publishing of the Bull, Brief, or Rescript in the newspapers; and the noble Lord said that this would be too paltry an offence for the Attorney General to prosecute. He apprehended that the noble Lord was entirely mistaken, and nobody who looked at the clause could fail to perceive that this was not such a publication as he (Sir F. Thesiger) had described to the House. [The SOLICITOR GENERAL expressed his dissent.] His hon. and learned Friend the Solicitor General shook his head, but probably he had better hear him to the end, and then answer him. In newspapers, there could not be a publication of a Bull or Rescript, but a publication of a copy of a Bull or Rescript; and, therefore, he contended that it would be absurd to say that this provision would reach editors or proprietors of newspapers. The noble Lord said that there was an objection to a provision which imposed a penalty on persons procuring these Bulls from Rome, because there would be a difficulty in obtaining evidence of the fact. But this had been an offence from the time of Richard II., and nobody before ever made it an objection to the law that it was difficult to prove an offence under it. The difficulty of proof might be an unfortunate circumstance, but it was no reason why the law should not exist. These were the whole of the objections which the noble Lord had to make to the clause, and he appealed to the House whether he had not given a satisfactory answer to each of them. Well, then, it had been supposed, at least the noble Lord rather suggested it the other evening, that this clause and the additions to his Bill had been introduced by him (Sir F. Thesiger) in a spirit of persecution. [Lord JOHN RUSSELL here made an observation.] The noble Lord said he would not say that it was in the spirit of a persecutor; but he (Sir F. Thesiger) certainly understood those words so convey what they did not express. He was obliged to the noble Lord for acquitting him now of that intention, for his object was to carry out the views and intentions of the noble Lord, and he thought he had succeeded in that object. He was sure that the House would agree that the clause which he had proposed would not interfere with liberty of conscience or the religious feelings of the people. This was not a battle of Churches, but a contest for supremacy; it was a question, as the noble Lord had truly expressed it, whether Her Majesty was to be the undoubted Sovereign of Her realms. They certainly were suffering from the weakness and vacillation of their legislation. He found that, very recently, this country had become the subject of the special care and attention of his Holiness the Pope. He observed that there had been published an appeal to the piety and charity of the Italians, which had issued from Rome, and which had been published in one of our journals last Tuesday. This document began by saying that—

> " Amongst all the foreign missions, that of London presents the greatest hopes and demands." And that, therefore, " the project has been approved by ecclesiastical authority of building a spacious church in the centre of London, in a fine position, in one of the most majestic streets in the city, principally for the use of the Italians, and thence of other foreigners, as well as of the natives. In this way there will be in the capital of the British empire a church, Roman not only in its faith and principle, but also in its rites, in its ceremonies, and in the practices of sound devotion; a church similar in its material construction to the ancient Christian temples—a church which, at the express wish of the Holy Father will be dedicated to the Prince of the Apostles, St. Peter—a church which will be always governed by a congregation of Italian secular priests founded at Rome, that the Roman spirit may always influence the same. The holiness of our Lord Pope Pius IX. has, in his provident zeal, for the good of religion and souls, by means of the holy Congregation for Propagating the Faith, and ot that of the bishops and religious orders, caused this great work to be most urgently recommended to the charity of Italian believers, and to the zeal of the bishops of Italy. Moreover, the most eminent and most rev. Cardinal Wiseman, Archbishop of Westminster, Ordinary of London, has equally recommended this most interesting work. And the most eminent and most rev. the Cardinal Vicar has published a second notification, dated March 26, 1851, in which he repeats his recommendation to the Roman charity of this most pious object. Finally, his Holiness himself, by his rescript to the holy Congregation of Propagating the Faith, dated March 9, 1851, has granted an indulgence of 100 days to whomsoever shall contribute any alms to this end."

This was followed by a notification from the Archbishop of Florence, in which, appealing also to the piety and charity of the Italian people, he had intimated that

> " His Holiness Pius IX., at the request of certain English Catholics, has deigned lately to grant an indulgence of 100 days to whosoever may recite three *Ave Marias*, with, after each, the invocation *Auxilium Christinorum ora pro nobis*, and plenary indulgence for one day at their own choice to whosoever shall have recited them for one entire month, provided that, having confessed and communicated, he shall pray particularly for the Catholic Church of England."

Now, he appealed to the hon. Members whether, a few years ago, before they had deprived themselves of the securities which existed by law, they would have been exposed to these repeated aggressions and insults? But after they had disarmed themselves, they were constantly subjected to attacks of this description. It appeared that the Pope now believed in their weakness, trusted to their unfortunate divisions, and put forward his pretensions; and he called on hon. Members, before it was too late, to be warned by the conduct of the Holy See as to what they were to expect in future, and to endeavour, if possible, to legislate in such a manner as would afford an efficient defence against the dangers by which they were threatened. He confessed it appeared to him, that if they failed at this last moment, it could only be from this circumstance—that the guardians of our Protestant constitution having neglected their trust, and having invited the advances of the Roman Catholics, now at the last moment feeling the difficulty of their position, and the necessity of providing some protection, had presented barriers, which, if adopted, would afford no security against future aggression.

The SOLICITOR GENERAL said, that his hon. and learned Friend had certainly shown at the conclusion of his speech that in submitting his proposition to the House, he was animated by a very different spirit from that in which the Bill had been brought forward by Her Majesty's Government. He did not say this because he believed that the proposals of his hon. and learned Friend would materially alter the character of the Bill; but it was evident, from the latter part of the speech of his hon. and learned Friend, that, in his opinion, Parliament had gone too far in assenting to the Relief Bill of 1829. [*Cheers.*] Those cheers of hon. Gentlemen opposite made their sentiments upon that point perfectly intelligible. Those hon. Gentlemen who disapproved of the measure of 1829, were, he thought, mistaken if they supposed that the clause introduced by way of amendment had really any great effect in that direction; but their intention was sufficiently manifest. The Bill introduced upon the present occasion by Her Majesty's Government went on the directly opposite principle. The object of the Government was to adhere to the arrangement—he would not call it compact, for there had been no compact—of 1829. The Bill recited in the preamble, and afterwards at the suggestion of his hon. and learned Friend (Mr. Walpole), it was declared in the measure itself, that the act which had given such offence throughout this country was an infraction of the existing law; and, having made that declaration, it proceeded to provide that the restriction which had existed in the Act of 1829 with respect to all existing sees of the Established Church, should be extended to any sees named from cities or towns in the United Kingdom. The Bill entirely abided by the spirit of the clause in the Act of 1829, which had clearly for its object the prevention of conflicting titles by the assumption of a right to sees on the part of Roman Catholic bishops. By that arrangement they attained the two great objects which it was desired to achieve—namely, an assertion of the supremacy of the Crown by a strong declaration of the Legislature, and a security against any future infraction of the principle of the Act of 1829. Now, what would the Amendments of his hon. and learned Friend effect? Why, those Amendments would in no degree add to the strength of the Bill, while they would create very considerable irritation among the Roman Catholic body. His hon. and learned Friend had asked whether Her Majesty's Government thought that it would be advisable to prosecute under the Act of Richard II.? Now, he (the Solicitor General) had no hesitation in saying that it would not be advisable. No one could think at the present day of instituting a prosecution in order to enforce the penalties of *præmunire.* With regard to the Act of Elizabeth, it was well known that though nothing of the penalties of that Act remained, yet the prohibition remained, and the proceeding against which it was directed continued to be a misdemeanour. The Bill, as proposed by Her Majesty's Government, would punish the assumption of titles; but the Amendment of his hon. and learned Friend would punish the publication of Bulls. Now, that latter arrangement would be an infraction of the Act of 1829. It would be an alteration in itself vexatious, while it would be productive of no special advantage whatever. He ventured to say that the offences which his hon. and learned Friend would create, could never be established against any body. His hon. and learned Friend would punish with a penalty of 100*l.* the offence of procuring a bull from Rome; but was it probable that any person could ever be convicted of that offence upon any evidence on which a jury could rely? His hon. and learned Friend had said that the noble Lord was entirely mistaken as to the meaning of the word "publishing." According to his hon. and learned Friend, "publishing" did not mean publishing in newspapers, but a publication by order of the bishop, or the act of affixing the Bull to the church doors; so that they were not to have a conviction under the proposal of his hon. and learned Friend until some person should prove that he had seen a Bull, with its seal attached, hanging from some church door. This would indeed be an extraordinary addition to those bulwarks of the Protestant faith of which his hon. and learned Friend had spoken. Now, he believed his hon. and learned Friend was much mistaken if he supposed that such an offence could ever be established against anybody. He should further say that he believed the Judges of this country would not attribute to the word "publishing" the meaning which had been attached to it by his hon. and learned Friend; and that the publisher of a newspaper, who should be so ill-advised as to insert a Bull in its columns, would ill escape from the penalties which his hon. and learned Friend would impose, under the plea that he had merely inserted a copy of the document. His hon. and learned Friend seemed to suppose—though he was confident the expectation was erroneous—that if he should persuade the House to agree to his Amendments in that instance, he might hereafter persuade them to legislate in the spirit to which he had referred towards the conclusion of his observations, in a spirit which would lead them to repeal the Act of 1829, by which they had effaced from our Statute-book the last remnants of anything in the shape of persecution. The Amendments of his hon. and learned Friend were not framed in the spirit of the Act of 1829, which the Roman Catholics of England and Ireland considered the charter of their liberties; and it was on that account, and not because he thought there was any real stringency in those Amendments, that he hoped the House would reject the clause.

MR. ROEBUCK said, he was sure that however impatient the House might be, they would not wish to hurry the question to a division, even though dinner should wait. He came before them with great diffidence, for he knew that, as regarded the feelings with which he looked upon the peculiar faith involved, he coincided more with the great majority against whom he should vote, than he did with those with whom he should act with respect to the mode in which that faith should be treated. He did not think that the House knew what it was about—nor did he believe that the hon. and learned Member who had last spoken knew the consequences—he would not say of his own Bill, for it was now nobody's Bill—but of the measure he defended. He did not regard the question as a mere religious one, but looking at the clause as a legislator, he did not scruple to say that one more mischievous never was submitted to the House. He regretted to hear the hon. and learned Member for Abingdon address himself to stale and exploded prejudices, and endeavour to drag back the public mind to that thraldom from which it had so long been emancipated. He had talked about the insults offered to this country by the Pope and the Archbishop of Florence. Now all the poor Archbishop had done, was to ask his people to pray for the Roman Catholics of this country; and the Pope had only endeavoured to raise money to build a cathedral. He was not going to subscribe towards the building of the church projected by the Pope; but he would ask, was this any more than was done every day by the Society for the Propagation of the Gospel in Foreign Parts? We were in alliance with the Sultan of Turkey, and he appealed to the hon. Gentleman opposite (Sir R. H. Inglis), whether he would not consider a mission to that country a laudable object? If the missionaries endeavoured to force their religion on the Turks by force of arms, they would, of course, be wrong; but they appealed to their intellect. They had no power over them except over their minds; and he would ask what other was the power of Rome in England? As far as he regarded his own mind, the Pope had no power at all; but he had no religious prejudices. These were little points which, however powerful, did little benefit either to their morality or their religion. The Solicitor General said that the clause did not alter the Bill; but the hon. Member for Abingdon did not agree with him, and the latter hon. Member was right as to the matter of fact. It would make the Bill much more stringent and mischievous. They had talked of the Act of 1829; but he proposed to go back as far as the times of the Conqueror, and coming down step by step they would find that in the days of Richard II. the Pope had acquired a power which had increased hour by hour, by invasion of the king's prerogative, by interfering with the appointment of our bishops, and the like, until at last the Pope had actually excommunicated the whole kingdom, and brought it under subjection to himself. Then the statute of Richard was enacted, declaring that whoever brought into the kingdom a Bull from Rome touching the king's regality, or the power of the Crown, should be deemed guilty of treason. So it would be now, without any new Act. It was an infringement of the power of the Crown, of the regality, which the Act of Richard II. touched. Any person who, by authority from abroad, no matter whether from the Pope of Rome, the King of France, or the Emperor of Germany, attempted to do this in this kingdom, would be guilty of treason. The Act of Richard II. was a mere affirmation of the common law. The 13th Elizabeth went much further. It did not regard simply that class of Bulls which affected the regality of the Crown; but it made the person who brought in any kind of Bull guilty of treason. A religion might be considered in three points of view by the State: it might be cherished and made a State institution like the Church of England; it might be repudiated, and the powers of the State directed to root it out; or it might be considered with perfect indifference. The Roman Catholic religion had gone through all these phases in this country. First, it was the religion of the State; then it was one which the State attempted to root out; the 13th Elizabeth had done that; for it was impossible, according to the law of England at that time, for a Roman Catholic priest either to be made or to remain in England; and to bring in a Bull of any description from the Pope was treason. That was done for the purpose of rooting out the Catholic religion; but the intention had signally failed—for you could not have the Roman Catholic religion in any country without having communication with the Pope of Rome. Increasing enlightenment had shown that it was totally impossible to govern Ireland with those laws existing. He had always thought that the right hon. and learned Gentleman (Sir F. Thesiger) was a follower of the late eminent and lamented statesman, Sir Robert Peel; and if ever there was a Government which marked its sense of the total impossibility of governing this country on the old principle of exclusion of the Catholic religion, it was that of the Duke of Wellington, in which Lord Lyndhurst was Chancellor, and Sir Robert Peel led the House of Commons. No three men were more strongly pledged against Catholic emancipation; nevertheless, they came down and told Parliament that the time had come when there must be a total change of policy with regard to the Catholic religion. He (Mr. Roebuck) quarrelled not with the opposition of the hon. Baronet (Sir R. H. Inglis) to this Amendment, for the hon. Baronet had always adhered to the bigoted view of the subject. But how the hon. and learned Gentleman (Sir F. Thesiger) could propose to return to it, he could not understand. Parliament had taken the step with their eyes open. No one saw the consequences better than the Lord Chancellor of that day, who, in 1828, made the most powerful speech ever made against Roman Catholic Emancipation. The Duke of Wellington and Sir Robert Peel were almost pledged by their personal honour to resist it; and yet those three told the Parliament that they would no longer govern the country on the principle of exclusion—that they must admit the Catholic religion and those who professed it to all the privileges which others enjoyed, with certain marked exceptions stated in the Bill. It was impossible for any one who regarded this question with the eye of a statesman, not to see that at that time there was drawn a broad line of demarcation between past and coming legislation. We had admitted the Roman Catholics to be our fellow-citizens in fact as well as in name; we had in so many words admitted their religion to be publicly professed here. It was acknowledged every time a Roman Catholic Member came to that table to take the oath. Now no man could be a Roman Catholic unless he acknowledged the Pope of Rome to be the head of that religion. But this Bill said that every Bull such as was described in its preamble should be null and void. The words of the first clause were remarkable: "All such Briefs, Rescripts, or Letters Apostolic; and all and every the jurisdiction, authority, pre-eminence, or title, conferred, or intended to be conferred thereby, are and shall be deemed unlawful and void." If this Bill became law, let not the Government suppose they could control its application; he would show them they could not. Suppose that he, a Protestant, had a Catholic cousin, the result of a Catholic marriage; and that the law said if that cousin were a bastard, he was entitled to the estate. He brought an action of ejectment against his cousin, and then went about to prove that he was not born in wedlock: he proved that his parents were married by a Catholic priest; and there was no registration in Ireland, or in England, to come in aid of that evidence: he proved that the priest was ordained by the Archbishop of Armagh, and that the person so styling himself, had been appointed by a Papal Rescript, such as was here described. Now, mark the operation of this Bull. This Rescript, Bull, or Brief, being totally unlawful and void, it followed that the archbishop was no archbishop at all; that the person he had ordained was no priest at all; and that a marriage solemnised by such a person was not a marriage: hence his Catholic cousin was a bastard, and therefore the verdict must be for the plaintiff. He was astounded at the degree of ignorance which had been displayed in these provisions. Could any man suppose that such an Act would not be enforced in Ireland, or that a man who thirsted for an estate, and saw such a means of obtaining it, would not try the chances of the law? Yes, he would try a jury first; and if they decided against him, he would go to the Queen's Bench; and if that Court were against him, he would then try the House of Lords. And would the House of Lords say that the Act they had passed was a nonentity—would they say that a priest was a priest, that a bishop was a bishop, who had been made by a Rescript which they had declared to be null and void? It might be said that the bishops who assumed titles in Ireland now did it illegally, that it was contrary to the Act of 1829; but that Act contained nothing to make the Rescripts under which they were appointed null and void; and therefore, as the law stood at present, a marriage by a Catholic priest was good in law. But the Bill before the House was not only enacting, but declaratory of the law; it overrode the Act of 1829, and made the law for ages past; and it would render doubtful every title dependent upon a marriage by a Roman Catholic priest in Ireland. It had been suggested that it was not necessary for a person to be in holy orders to make a good marriage. But though in both England and Ireland the marriages of Dissenting ministers were good, it was necessary that they should be such ministers; and if a man professed to be a Catholic priest, and was not so, the marriage he solemnised was no marriage at all. On these grounds he appealed to the noble Lord (Lord John Russell), not only against the Amendments of Sir F. Thesiger, but against the Bill altogether. It proposed things which must of necessity be the groundwork of dissension, litigation, and misery. If it were put into execution, it would be the brand of discord in Ireland; if not, it would be the shame of that House and the Parliament that passed it. He would not criticise the wording of the preamble, but it was in reality not English. Its "whereases" were placed as if they had been there by accident. From beginning to end it was hardly intelligible; but if it had an intelligible meaning it was such as he had described.

Mr. NAPIER rose to speak, but the impatience of the House for a division was so great, that the hon. and learned Member resumed his seat.

[The Irish Members, as on a previous occasion, left the House in a body.]

Question put, "That the words proposed to be left out stand part of the Bill."

The House divided:—Ayes 208; Noes 129: Majority 79.

List of the Ayes.

Acland, Sir T. D.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Bailey, J.
Baillie, H. J.
Baird, J.
Baldock, E. H.
Bankes, G.
Baring, T.
Barrow, W. H.
Bateson, T.
Beckett, W.
Benbow, J.
Bennet, P.
Berkeley, hon. G. F.
Best, J.
Blair, S.
Blandford, Marq. of
Booker, T. W.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadley, H.
Broadwood, H.
Brooke, Lord
Brown, H.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. M.
Burrell, Sir C. M.
Burroughes, H. N.
Cabbell, B. B.
Carew, W. H. P.
Chichester, Lord J. L.
Child, S.
Cholmeley, Sir M.
Christopher, R. A.
Christy, S.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Clive, H. B.
Cocks, T. S.
Codrington, Sir W.
Coles, H. B.
Compton, H. C.
Copeland, Ald.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Cubitt, W.
Damer, hon. Col.
Davies, D. A. S.
Deedes, W.
Denison, E.
Disraeli, B.
Dod, J. W.
Drummond, H.
Duckworth, Sir J. T. B.
Duke, Sir J.
Duncombe, hon. A.
Duncombe, hon. O.
Duncuft, J.
Dundas, G.
Du Pre, C. G.
Egerton, W. T.
Evelyn, W. J.
Farrer, J.
Fellowes, E.
Fitzroy, hon. H.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Fox, S. W. L.
Freshfield, J. W.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
Goddard, A. L.
Gooch, E. S.
Gordon, Adm.
Goulburn, rt. hon. H.
Granby, Marq. of
Greenall, G.
Greene, T.
Grogan, E.
Guernsey, Lord
Hale, R. B.
Halford, Sir H.
Hall, Sir B.
Hall, Col.
Hallewell, E. G.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Harris, hon. Capt.
Hastie, A.
Heald, J.
Henley, J. W.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hildyard, T. B. T.
Hill, Lord E.
Hindley, C.
Hodgson, W. N.
Hope, Sir J.
Hornby, J.
Hotham, Lord
Inglis, Sir R. H.
Jones, Capt.
Kerrison, Sir E.
Knight, F. W.
Knox, Col.
Knox, hon. W. S.
Lacy, H. C.
Langton, W. H. P. G.
Lawley, hon. B. R.
Lennox, Lord A. G.
Lennox, Lord H. G.
Leslie, C. P.
Lindsay, hon. Col.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lowther, H.
Lygon, hon. Gen.
Mackenzie, W. F.
Mackie, J.
Mandeville, Visct.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Masterman, J.

Maunsell, T. P.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Milner, W. M. E.
Mitchell, T. A.
Moody, C. A.
Morris, D.
Mullings, J. R.
Mundy, W.
Napier, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
Ossulston, Lord
Packe, C. W.
Pakington, Sir J.
Palmer, R.
Peel, Col.
Pennant, hon. Col.
Perfect, R.
Pigot, F.
Plowden, W. H. C.
Plumptre, J. P.
Powell, Col.
Powlett, Lord W.
Prime, R.
Pugh, D.
Reid, Col.
Repton, G. W. J.
Richards, R.
Sandars, G.
Sandars, J.
Scobell, Capt.
Scott, hon. F.
Seaham, Visct.
Smyth, J. G.
Smollett, A.
Somerset, Capt.
Spooner, R.
Stafford, A.
Staunton, Sir G. T.
Stuart, H.
Stuart, J.
Taylor, T. E.
Thompson, Col.
Thornhill, G.
Tollemache, J.
Trevor, hon. G. R.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Vesey, hon. T.
Villiers, Visct.
Vivian, J. E.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Welby, G. E.
Wellesley, Lord C.
Whiteside, J.
Wigram, L. T.
Williams, T. P.
Willoughby, Sir H.
Wortley, rt. hon. J. S.
Wynn, H. W.
Wynn, Sir W. W.

TELLERS.
Thesiger, Sir F.
Beresford, W.

List of the NOES.

Adair, R. A. S.
Aglionby, H. E.
Anstey, T. C.
Armstrong, Sir A.
Armstrong, R. B.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Bass, M. T.
Bell, J.
Berkeley, Adm.
Bernal, R.
Birch, Sir T. B.
Bouverie, hon. E. P.
Brotherton, J.
Brown, W.
Bunbury, E. H.
Butler, P. S.
Cayley, E. S.
Chaplin, W. J.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Cockburn, Sir A. J. E.
Colebrooke, Sir T. E.
Collins, W.
Cowper, hon. W. F.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, J. E.
Douglas, Sir C. E.
Dundas, Adm.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Evans, W.
Ewart, W.
Fergus, J.
Ferguson, Col.
FitzPatrick, rt. hon. J. W.
Foley, J. H. H.
Fortescue, C.
Fortescue, hon. J. W.
Freestun, Col.
French, F.
Geach, C.
Glyn, G. C.
Goold, W.
Graham, rt. hon. Sir J.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Grosvenor, Earl
Harris, R.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Headlam, T. E.
Heneage, E.
Herbert, H. A.
Heywood, J.
Hobhouse, T. B.
Humphery, Ald.
Hutt, W.
Jermyn, Earl
Johnstone, J.
Labouchere, rt. hon. H.
Lewis, G. C.
Littleton, hon. E. R.
Locke, J.
Mackinnon, W. A.
M'Taggart, Sir J.
Mangles, R. D.
Marshall, W.
Martin, C.
Melgund, Visct.
Mostyn, hon. E. M. L.
Murphy, F. S.
Norreys, Lord
Norreys, Sir D. J.
O'Connor, F.
Ogle, S. C. H.
Osborne, R.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pechell, Sir G. B.
Peel, F.
Pilkington, J.
Ponsonby, hon. C. F. A.
Pusey, P.
Rawdon, Col.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Roebuck, J. A.
Romilly, Col.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Scholefield, W.
Seymour, H. D.
Shafto, R.
Smith, rt. hon. R. V.
Smith, J. A.
Somers, J. P.
Somerville, rt. hn. Sir W.
Stansfield, W. R. C.
Sutton, J. H.
Tennent, R. J.
Thicknesse, R. A.
Thornely, T.
Tollemache, hon. F. J.
Towneley, J.
Trevor, hon. T.
Tufnell, rt. hon. H.
Verney, Sir H.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Wall, C. B.
Watkins, Col. L.
Williams, J.
Willyams, H.
Williamson, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, Sir W. P.

TELLERS.
Hayter, W. G.
Hill, Lord M.

MR. FRESHFIELD rose to move the following Amendment to the 2nd Clause:—

"Every such person shall be deemed to be an offender under this Act, and, being lawfully convicted of any of the offences hereinbefore mentioned upon indictment or information, he shall be adjudged to depart out of this Realm within a time to be limited in such judgment, not exceeding three calendar months from such conviction, and a certificate of such judgment, under the seal of the Court pronouncing such judgment, or the signature of the proper officer of the said Court, shall be forthwith deposited by the prosecutor of such indictment or information at the Office of Her Majesty's Principal Secretary of State for the Home Department; and if the person so convicted shall be found within this Realm after such time in such judgment limited, it shall be lawful for Her Majesty's said Secretary of State, and he is hereby required, by warrant under his hand and seal, to give such person in charge of one of Her Majesty's Messengers, or of such person to whom he shall think fit to direct such warrant, in order to his being conducted out of the kingdom in such manner as shall be suitable to his character and station; and if he shall return to this kingdom after he shall have been adjudged to depart, and shall have departed or been removed as aforesaid, he shall be liable to be sent beyond seas, as is provided by an Act passed in the tenth year of the reign of His late Majesty King George the Fourth, c. 7, in the case of Jesuits and members of religious orders."

And said: Sir, with the strong inclination on the part of many hon. Members to divide upon the remaining Amendment of my hon. and learned Friend the Member for Abingdon, I would readily have submitted my Amendment without explanation to a division, but that in doing so I should incur a risk of misconception and of failure inconsistent with my duty. I attach much importance to the principle of my Amendment and to the consequences of its adoption or rejection, inasmuch as it would really and indeed decide the character of the measure to be sent to the other branch of the Legislature, whether it is to be preventive and effectual, or a failure which might facilitate the offensive proceedings of the Papal See. The crime contemplated is the acquisition by Rome of the power to interfere in temporal matters, and to destroy that supremacy of our lawful Sovereign which is essential to the independence of the kingdom. The nation deems it a point of paramount importance that the Queen should "have, under God, the sovereignty and rule over all manner of persons born within these Her realms and dominions, so as no other Power shall or ought to have any superiority over them;" and even aliens coming to reside under the protection of English laws are bound to conform to their injunctions. That the recent interference of the Roman Pontiff, under the pretext of spiritual service, is wholly unnecessary to the most full exercise of religious freedom, has been abundantly demonstrated. That its object is simply to connect him and his Court with the internal affairs of England, admits of as little question. Of that proposition the learned Solicitor General has been the eloquent and accurate exponent—it was also well supported by Her Majesty's learned Attorney General, and by the First Lord of the Treasury, and the right hon. the Secretary of State for the Home Department; and it might to many afford additional satisfaction to know that it was the deliberate conviction of Sir Robert Peel at the time he was advocating the Act of 1829. In a speech delivered by him (then Mr. Secretary Peel) on the 5th of March, 1829, he thus expressed himself:—

> "A practice has occasionally of late prevailed in Ireland which is calculated to afford great and, I may add, just offence to Protestants—I allude to the practice of claiming and assuming, on the part of the Roman Catholic prelates, the names and titles of dignities belonging to the Church of England. I propose that the episcopal names and titles made use of in the Church of England shall not be assumed by bishops of the Roman Catholic Church—Bishops, I call them, for bishops they are, and have, among other privileges, a right to exercise the power of ordination, which is perfectly valid, and is even recognised by our own Church—much less publicly and ostentatiously to assume them as of late. This will be prevented in future." [2 *Hansard*, xx. 776.]

If the Roman Catholics have, as it is demonstrated they have, in the full toleration accorded to them, all which for ecclesiastical action, for the unfettered exercise of their religious duties they can possibly require, it is obvious that the struggle now making, and which is but the repetition of the struggle of ages, is to supplant the established religion of Protestants, and in its room to establish the Roman Catholic faith; and that, not merely as matter of religious belief, but in connexion with the See of Rome. It is the struggle of the Priesthood opposed to our Establishment, and opposed to the true interest of the Roman Catholic laity; and it is that which a Protestant Legislature is bound to defeat. It is not my intention to introduce theological points as matters for discussion; but I must refer to some matters of that class, in order to show the sort of persons against whom our measures are to be directed—I especially allude to Dr. Wiseman and his conduct. As early as 1836, in his Lectures on the Principal Doctrines and Practices of the Roman Catholic Church, vol. ii., he quotes Origen in support of "Invocation of Saints," as thus writing:—

> "I will fall down on my knees, and, not presuming, on account of my crimes, to present my prayer to God, I will invoke all the saints to my assistance. O ye saints of heaven, I beseech you, with a sorrow full of sighs and tears, fall at the feet of the Lord of Mercies for me, a miserable sinner."

Dr. Wiseman must have known that the authority quoted by him, had been disclaimed by the scholars and critics of his own communion, and that the treatise in which the words occur, was admitted to be spurious. In like manner, in the same lecture, Dr. Wiseman quoted as from St. Athanasius, who is described as "enthusiastically" addressing the ever blessed Mother of our Lord, thus—

> "Hear now, O daughter of David, incline thine ear to our prayers. We raise our cry to thee. Remember us, O most Holy Virgin, and for the feeble eulogiums we give thee, grant us great gifts from the treasures of thy grace; thou who artfull of grace. Hail, Mary, full of grace, the Lord is with thee. Queen and Mother of God, intercede for us."

For his authority, he referred to a sermon on the Annunciation, in a collection of the sermons of St. Athanasius; but independently of the words not occurring in the form and order in which Dr. Wiseman quotes them, the authority had been shown by Cardinal Baronius, in 1592, to be a vulgar error; and by a later writer it is shown to have been written subsequently to the rise of the Monothelite heresy, nearly 300 years after the death of Athanasius. My inference is, that any amount of Jesuitical manœuvre, any daring, may be expected from a person capable of tampering with the obligation of faithfulness, owing by him to that evidence of tradition, which in the view of those whom he was addressing, and according to the rule of faith established by the Church of Rome, is entitled to a degree of veneration, scarcely, if at all, inferior to that which may be claimed by the Holy Scripture itself. The same ecclesiastic ventured, in a public discourse, to question the status of a bishop of the Established Church, because of the part usually taken by the Sovereign in connexion with the consecration of a bishop, involving in his argument, the question of supremacy; a course which at one period of our history would have rendered him subject to the law against high treason; and in these more liberal times, it must be regarded as audacious in a high degree, especially proceeding from a person aiming to establish that foreign supremacy from which this nation had been long and happily delivered. I adduce this as evidence of the offensive effrontery with which Papal aggression is sustained by the Romish priesthood. To do justice to the subject, would require that I should detail the proceedings of Dr. Wiseman before his journey to Rome, and subsequently, on his return to England with his new authority, the manner in which he forced himself upon the notice of the public. Of the taste of Dr. Wiseman, in exhibiting on the walls of the Royal Academy, at such a moment, in the full blow of double-dyed vulgarity, the portrait of himself, which at once provokes the anger and derision of the spectator, I forbear to say anything. It is, however, not without significance, that on the opposite side of the room, and immediately in front of Dr. Wiseman, is placed a picture representing various scenes in the tragedy of Mr. Sandars, the second martyr in the reign of Queen Mary, from the melancholy act of a devoted wife causing her babe to be conveyed by a gaoler, to receive the last kiss of a fated father, and in the next compartment representing the unhappy man following his executioner to the consummation of the murder; whilst, as if to enable us to put a charitable construction upon Dr. Wiseman's intrusion, there hangs on his immediate left, the portrait of Dr. Conolly, the eminent physician of the Hanwell Lunatic Asylum. If the convenience of the House had permitted it, I would adduce the strong, offensive, and daring language of Roman Catholic publications upon the matter now under the consideration of Parliament. It seems to be the hope of the Roman Catholic party, that by unmeasured boldness and perseverance, and by loud pretence of grievance, Protestants will be induced to abandon the just protection of the Protestant interest; and, as a part of the system, I might refer to what had occurred in this House during the progress of the present inquiry, which has been protracted, without any appearance of justification, and in a manner very unusual. Not only has the same principle and the same proposition, slightly varied in form, been forced into separate discussions and divisions, but the law officers of the Crown have been catechised by the few Roman Catholic speakers, and their answers constantly made new matter for debate; in short, I have seen the law officers of the Crown treated in a manner which, in general, such officials would not submit to, and Ministers would not sanction; and while I give credit to the zeal and motives of hon. Members connected with the Roman Catholic interest, I must regard the course adopted as deferential, on their part, to the avowed opinions and controlling influence of the priesthood, and not such as, in their unfettered discretion, would have been adopted; and as one conspicuous proof of that influence I would refer to the declaration of the noble Lord the Member for Arundel, who upon one occasion, when the Roman Catholic Relief Bill of 1847 was under discussion, admitting the truth of a statement made as to the character of the Roman Catholic Church, said—

> "It had been alleged that the Church was aggressive; why, all churches were so: he would not give twopence for the Church which was not so. If it believed that it was in possession of the truth, why should it not make aggression on error? Why should it not evince an anxiety that others should embrace the true faith as well as itself? He looked upon the aggressions of a Church as a mark of its sincerity. Allusion had been made to the circumstance of this country having been divided into districts by the Catholic Church for ecclesiastical purposes; but he was at a loss to understand on what plea that fact could be interpreted into a cause of offence."—[3 *Hansard*, xcv. 825.]

Again, upon another occasion the same noble Lord said—

> "I am one of those who acknowledge the spiri-

tual authority of the Church of Rome." [3 *Hansard*, xci. 763.]

He admitted that many members of that Church had been guilty of persecution, but observed that each of those acts of persecution should be estimated according to the spirit and temper of the times in which they occurred; and pointed to the Old Testament as containing much that might appear to authorise "the persecution and extermination of those belonging to unhallowed creeds;" and the noble Lord proceeded—"My hon. Friend who has just sat down, says that the Church of Rome is antagonistic to Protestantism. I quite agree with him; it is antagonistic, and will be while the world lasts;" and the noble Lord concluded his speech with this distinct statement of his governing principle: "I will never relinquish one iota as to the superiority of my Church, for I am persuaded that our descendants will see the Catholic faith triumphant after England itself has passed away and been forgotten." The House cannot fail to see what the country has to expect, and what it is the duty of the Legislature to guard against. It is to meet, by an effective measure, consummate cunning and incurable effrontery on the part of the priesthood, and prostrate obedience from the laity. The Bill as it now stands will not, in my opinion, be equal to the purpose required: my Amendment, if not all that might be required, is far more likely to be effectual. One, and only one, objection, so far as I can learn, is to be opposed to my Amendment, namely, that it would render the Act of 1829 more stringent than it was intended to be, and that the Parliamentary measure ought to be restricted to the single object of restraining that aggression which is directly contrary to the provisions of that Act; in other words, that as the Act of 1829 intended that the Romish clergy should not assume titles, though it had, from want of caution in the framers, confined the prohibition to titles in reference to actual sees, the intentions in that respect should be carried out by prohibiting the assumption to parts of sees; but that the penalty should remain as if no such evasion and aggression had taken place to require the present Bill. I am prepared to controvert that ground of opposition to my Amendment: the whole history of the Act of 1829 is consistent with my proposition, and contrary to the notion that the Roman Catholics have any just ground of complaint—that in rendering that Act more stringent, any injustice is done to them. The great object of the Act of 1829 was to remove Catholic disabilities in civil matters, but with the fixed principle, as stated in His Majesty's Speech,

—"of the full and permanent security of our establishments in Church and State, with the maintenance of the Reformed religion established by law, and of the rights and privileges of the bishops and of the clergy of this realm, and of the churches committed to their charge. These are institutions which must ever be held sacred in this Protestant kingdom, and which it is the duty and the determination of His Majesty to preserve inviolate." [King's Speech—2 *Hansard*, xx. 4.]

In accordance with the principles enunciated by the Government in the King's Speech, an Act was passed for suppressing the Catholic Association, and that prior to any step for removing civil disabilities; and then, subsequently, the late Sir Robert Peel (then Mr. Secretary Peel) proposed the Catholic Relief Bill of 1829, which he stated was a plan for adjusting the Catholic question, and of improving the condition of Ireland, to which the King's Government agreed after mature deliberation before the Session of Parliament was opened.

"It is (said Mr. Secretary Peel) proposed on the responsibility of the Government—it is the result of no compact with any party, or any individuals. The Roman Catholics have not been committed in respect to it, for two reasons—first, because it is better suited to the dignity of legislation, that it should be independent of previous understandings and compacts with the parties whom it is to affect; and, secondly, because it is not fair to the Roman Catholics to require them to give their previous assent to the conditions, or securities, or restrictions with which it may be necessary to accompany measures of relief. There is also another reason. If we make a compact, we seem to relinquish the right of future legislation in respect to the Roman Catholic religion. Now, one great advantage of the measure will be, that it will enable us to assume our proper position with respect to every interest in Ireland, and to guard against new dangers, if new dangers should occur, by any precautions or securities that the public interests may require. The measures which I propose for granting relief to the Roman Catholics are founded upon two great principles: the abolition of civil distinction on account of the religious creed of the Roman Catholics, and the maintenance in tact and inviolate of the integrity of the Protestant Church—its worship, its discipline, and its government. These measures will restore the equality of civil rights, but they will give no favour or encouragement to any form of religious worship, excepting that which is incorporated by fundamental laws with the constitution of the State, and which claims the respect, veneration, and affection of a Protestant people." [2 *Hansard*, xx. 755.]

Pursuing his statement, the right hon. Gentleman said—

> "In undertaking the adjustment of this great question we cannot consent to admit any foreign Power to be a party to our domestic legislation. We can enter into no negotiation with the Court of Rome, in respect to the condition in which we are willing to give to the Roman Catholic the benefit of the constitution. We cannot decide that question for ourselves, determined to claim nothing by way of restriction or security save that which is reasonable and just, *but prepared to insist upon that which we do claim.*" [2 *Hansard*, xx. 773.]

I appeal to the House whether, upon a statement so explicit on the part of the founder of the measure, that he intended, and would insist on, effectual security, it could be fairly argued that the restrictions of the Act of 1829, and the penalties by which they were to be enforced, were not justly susceptible of change. With what consistency can hon. Members so contend who had voted for the last Amendment of my hon. Friend the Member for Abingdon, which made an offender submit to actions by common informers, although the Act of 1829 confined the proceedings to the Attorney General of the Crown. But, assume the change proposed by my Amendment to render the Act of 1829 more stringent, is it not necessary? Has not the security provided been evaded in England, and again and again violated in Ireland? Is there any doubt of the intentions of Mr. Secretary Peel, or as to the course he would adopt if now at the head of the Government? Pursue the reasoning of Sir Robert Peel: he said—

> —"Being acquainted with the fact that an intercourse in spiritual matters does exist between the Irish Roman Catholic Church and the See of Rome, so far am I from thinking that a power of inspecting it would be satisfactory to the people of this country, that I imagine it would have a contrary effect. If the time shall ever arrive when, from a change of circumstances danger shall arise from the intercourse in question, I, for one, after the abolition of the civil disabilities of the Roman Catholics, should have no hesitation in coming down to this House, and asking for a law to regulate or interdict any such intercourse, or to require all the correspondence that might be passing—every document, lay or spiritual, to be submitted to the inspection of Her Majesty's Government." [2 *Hansard*, xx. 774.]

These declarations of Sir Robert Peel show not only what he deemed necessary, and was resolved to maintain, for the security of the Protestant religion, but they dispose of the attempt made to distinguish between the law which is to prevail upon those ecclesiastical questions in Ireland, and that which we might be allowed to enforce in England; because it is obvious that Ireland was the great subject of his attention and of his legislation; and it was in Ireland, he distinctly stated, that the "practice had of late occasionally prevailed" of assuming titles of dignities belonging to the Church of England, which he described as "calculated to afford great, and he might say just, offence to Protestants"—adding—"this will in future be prevented." If I have succeeded in showing that there is nothing substantial in the objection that my Amendment would alter the Act of 1829, and also in showing that it is a duty we owe to the country to render the present Bill effectual for its purpose, I will now proceed to explain my objections to the plan of pecuniary penalties, and the advantage of the proposed substituted penalty. The pecuniary penalty appears to me inappropriate to the occasion; it is directed against an offence of a public character, committed against the prerogative of the Crown, and in offensive hostility to the Protestant feelings of the country; and after a diligent search into the definitions of crime and its various punishments, I cannot find anything to sanction the penalty provided by the Act of 1829, and so readily adopted in the present Bill. Pecuniary penalties are generally imposed upon those who have by fraud endeavoured to avoid some pecuniary liability, and illegally to obtain some pecuniary advantage—I mean pecuniary penalties to be enforced, as in the present case, in the shape of debt; of course, in the way of fine, a man would be properly made to pay the amount of punishment—so upon summary convictions before magistrates; but those are criminal proceedings. Here, however, as the Bill now stands, Her Majesty is to sue for some injury, to be compensated by the payment of 100*l.*—a sort of sale of an indulgence, which might be acted upon whenever the party (for it would be inappropriate to call him an offender) was prepared to pay 100*l.* It is not certain that he might not stay the proceedings, by order of a Judge, upon offering to pay that sum, because no other consequence could flow from a trial; and he might, of right, object to any further steps being taken. But suppose he chose not to pay. Suppose a Jesuitical offender, of a high class, chose to become a martyr, and to lie in prison to agitate those of his own communion, and endeavour to excite sympathy on the part of good-natured and not very staunch Protestants—suppose the imprisoned offender to repeat his offence again and again—or, even if those contingencies should not occur, is it not obvious that, having introduced what appears to me a very questionable power, for a common informer to interpose, many claims might be made for leave to enforce many penalties until the measure was defeated by its own machinery. But can that part of the Bill be acted upon? It is limited by the necessity of obtaining the consent of the Attorney General; but if the Government had decided not to sue for the penalty, could it be expected that the Attorney General would be allowed to sanction a common informer to enforce it? Does not the supposition involve an obvious contradiction? Put, however, this objection to the common-informer plan out of the question, is it certain that the Members of a Government might not be so divided as to render the Act a dead letter, so far as related to the pecuniary penalty? This is not an imaginary case; on the contrary, when Sir Robert Peel was arguing in support of his Bill for the suppression of the Catholic Association, he was taunted for not having enforced the law of 1825 against that body; and he readily and candidly answered, that whilst the Catholic question was unsettled, they had divided counsels. He said—

> "My answer to the question why we did not suppress the Catholic Association, is, that our forbearance arose in a great measure from the peculiar state of disunion and division which had prevailed in the Government upon this question, and which, in fact, had so placed us, that it would have been impossible to have effectually suppressed such an association while the Cabinet maintained neutrality upon the Catholic claims, and refrained from a determination to take the subject into consideration."

Again, Sir Robert Peel, returning to the same point, said—

> "If I were to state why we did not enforce the Act of 1825, I should necessarily have to go into the whole detail of public events in Ireland during the last four years; and, after all, my answer would resolve itself into this—that the continued division and disunion in the King's Counsels was the real cause why the Act was not carried into vigorous execution." [2 *Hansard*, xx. 238-9.]

Is it unreasonable to ask whether that which happened in and subsequent to 1825, may not happen again? I will not ask whether the present Government contains any discordant elements; it is not necessary that I should; but it is not unnatural to believe that differences might arise upon the mode of carrying this Act into operation; and in such a case, with divided counsels, either the Government must separate, or the just demands of the people would be denied, and the Act become a dead letter; for I repeat I would not condescend to treat seriously the last Amendment, seeming to introduce the common informer. That view of the subject strongly recommends the substituted punishment: it is, in the first place, a preventive measure; the offender who might rely upon his penalty being paid by some wealthy member of his own communion, or who might desire the *eclat* and the possible benefit of being a martyr within this country, by daily appealing to the cry of religious persecution, would hesitate before he committed an offence which was to compel him to quit the scenes of his manœuvring; it is also an effectual measure, as it would abate an existing active nuisance; it has this further advantage, that it does not depend upon the will of Government, and yet leaves with the Crown the power of interposing to avoid injustice. Any man might prefer an indictment, not as in the case of the common informer's action, with the consent of the law officers of the Crown, but of right; and yet, if that proceeding was resorted to improperly, the Crown had always the power of staying the proceedings; and even if it could be supposed that a conviction had been improperly obtained, the Crown might pardon; either interference, however, would be open to public inquiry, and would not be lightly resorted to, and the proceeding by information or indictment would consist with the seriousness of the occasion, while the punishment could not fairly be complained of as severe, since it merely forbids the continued residence of a person who should wilfully refuse to obey the law, and to whom permission was given to return to that foreign Power to whom he acknowledged allegiance. Protestant England urgently demands some such measure, and it is not less the interest of the Roman Catholic laity; while Government is also interested in having the question settled; but without an effective measure it will remain unsettled; because, exclusive of the hundreds of thousands who have petitioned generally against Papal aggression, nearly 800,000 persons have petitioned specifically for "more stringent measures;" they have in effect protested against the present weak and inefficient Bill; can it be expected, then, that they will be satisfied with no better answer than the measure to which they have objected? and it seems to me to follow, that to pass this Bill in its present shape, is but to postpone the question to the general election, where, as the consequence of previous want of firmness on the part of those who have the conduct of the measure, it will become a prominent consideration. Upon the whole I feel that I have a right to expect the support of those Members who have voted for the less perfect measure of the Member for Somersetshire—of those who voted for the useless introduction of the common informer—also of the Irish Roman Catholic Gentlemen, whose true interest was to be free from the domination of Rome; and of Her Majesty's Government, who, having consented to many alterations, and failed in approving others, cannot now feel that they have to maintain the integrity of their own Bill; and surely, then, under all the circumstances it must be their wish, paramount to every personal feeling, that the measure should be made as effective as possible. Before I conclude I may be permitted to disclaim any feeling of personal hostility to Roman Catholics, much as I am opposed to their religion and practices; and it would be extraordinary if to them individually I did not extend the most charitable considerations, seeing that I have been honoured with the entire confidence and intimate friendship of the late Cardinal Aston, and am his sole executor, so far as concerned his English affairs, and of whom I may say, that he was "an Israelite indeed, in whom was no guile;" who was the very contrast of the ecclesiastic who had so much, to the detriment of his own religion, and so much to the annoyance of Protestants, agitated this country for the last nine months. My hope is, that since English Protestants have been roused from their false security, they will not relax until that security is placed upon a firmer base than of late years—so based as to warrant them in hoping for the blessing of Providence, without which all their efforts would be in vain. We have to deal with, or rather against, Jesuits in profession, and, if possible, more than Jesuits in practice; and it would be weak and wicked if we did not adapt our measures to the necessity of the case; if we hesitated, we might, to use the language of an eloquent writer—

> "Repel the willing bounty of Providence from this great country by the paramount national guilt of suffering the basest portion of Popery to pollute the borders of the chosen realm of Protestantism."

This may be called bigotry; but we have been well reminded, when the inroad upon the constitution was made by the Act of 1829, that there is a bigotry in laxity and indifference, as well as in religion. I shall now move the adoption of my Amendment.

The Motion not being seconded, was lost.

LORD JOHN RUSSELL said, he had only a very few words to say with respect to the second Amendment of the hon. and learned Gentleman the Member for Abingdon (Sir F. Thesiger). The subject had already been fully discussed, and he would not therefore occupy the time of the House with any observations upon it. He opposed the Amendment, and objected to any sanction being given by the law officers of the Crown to any prosecutions instituted under the Act by common informers.

Clause 2, page 3, line 3, Amendment proposed—

> "To leave out the words 'or by action of debt at the suit of any person in one of Her Majesty's Superior Courts of Law, with the consent of Her Majesty's Attorney General in England and Ireland, or Her Majesty's Advocate in Scotland, as the case may be.'"

Question put, "That the words proposed to be left out stand part of the Bill."

The House divided:—Ayes 175; Noes 124: Majority 51.

Motion made, and Question put, "That the Bill do pass."

The House divided:—Ayes 263; Noes 46: Majority 217.

List of the AYES.

Abdy, Sir T. N.
Acland, Sir T. D.
Adair, R. A. S.
Aglionby, H. A.
Anson, hon. Col.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Baillie, H. J.
Baines, rt. hon. M. T.
Baird, J.
Baldock, E. H.
Bankes, G.
Baring, rt. hon. Sir F. T.
Barrow, W. H.
Bass, M. T.
Bateson, T.
Beckett, W.
Bell, J.
Benbow, J.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Berkeley, Adm.
Bernal, R.
Best, J.
Blair, S.
Boldero, H. G.
Booker, T. W.
Bouverie, hon. E. P.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadley, H.
Brown, H.
Bruce, C. L. C.
Buller, Sir J. Y.
Bunbury, W. M.
Bunbury, E. H.
Burroughs, H. N.
Cabbell, B. B.
Carew, W. H. P.
Carter, J. B.
Chaplin, W. J.
Chichester, Lord J. L.
Child, S.
Childers, J. W.

Cholmeley, Sir M.
Christopher, R. A.
Christy, S.
Clay, J.
Clay, Sir W.
Clive, hon. R. H.
Clive, H. B.
Cockburn, Sir A. J. E.
Cocks, T. S.
Codrington, Sir W.
Coles, H. B.
Collins, W.
Compton, H. C.
Cowper, hon. W. F.
Craig, Sir W. G.
Cubitt, W.
Davies, D. A. S.
Dawes, E.
Deedes, W.
Disraeli, B.
Dod, J. W.
Drummond, H.
Duckworth, Sir J. T. B.
Duke, Sir J.
Duncombe, hon. A.
Duncombe, hon. O.
Duncuft, J.
Dundas, Adm.
Dundas, G.
Dundas, rt. hon. Sir D.
Dunne, Col.
Du Pre, C. G.
Egerton, W. T.
Elliot, hon. J. E.
Evans, W.
Evelyn, W. J.
Fellowes, E.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. A.
FitzPatrick, rt. hon. J. W.
Fitzroy, hon. H.
Floyer, J.
Foley, J. H. H.
Forbes, W.
Forester, hon. G. C. W.
Fox, S. W. L.
Freestun, Col.
Freshfield, J. W.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
Glyn, G. C.
Goddard, A. L.
Gooch, E. S.
Goulburn, rt. hon. H.
Granby, Marq. of
Greenall, G.
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Halford, Sir H.
Hall, Sir B.
Hall, Col.
Hallewell, E. G.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Harris, hon. Capt.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Hayes, Sir E.
Headlam, T. E.
Heald, J.
Heneage, E.
Henley, J. W.
Herries, rt. hon. J. C.
Hervey, Lord A.
Heywood, J.
Hildyard, R. C.
Hildyard, T. B. T.
Hindley, C.
Hodgson, W. N.
Hope, Sir J.
Hornby, J.
Hotham, Lord
Humphery, Ald.
Inglis, Sir R. H.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Jones, Capt.
Kerrison, Sir E.
Knightley, Sir C.
Knox, Col.
Knox, hon. W. S.
Labouchere, rt. hon. H.
Lacy, H. C.
Langton, W. H. P. G.
Lennox, Lord A. G.
Lennox, Lord H. G.
Leslie, C. P.
Lewis, G. C.
Lindsay, hon. Col.
Locke, J.
Lockhart, A. E.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lygon, hon. Gen.
Mackenzie, W. F.
Mackie, J.
McTaggart, Sir J.
Mangles, R. D.
Manners, Lord G.
March, Earl of
Marshall, W.
Martin, C. W.
Masterman, J.
Maunsell, T. P.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, W.
Milner, W. M. E.
Moncreiff, J.
Moody, C. A.
Mostyn, hon. E. M. L.
Mullings, J. R.
Mundy, W.
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
Ogle, S. C. H.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Pakington, Sir J.
Palmer, R.
Palmerston, Visct.
Parker, J.
Plowden, W. H. C.
Plumptre, J. P.
Powell, Col.
Prime, R.
Pugh, D.
Reid, Col.
Renton, J. C.
Rice, E. R.
Rich, H.
Richards, R.
Romilly, Col.
Russell, Lord J.
Russell, F. C. H.
Sandars, G.
Sandars, J.
Scobell, Capt.
Scott, hon. F.
Scrope, G. P.
Seymour, Lord
Somerset, Capt.
Somerville, rt. hn. Sir. W.
Spooner, R.
Stafford, A.
Stanley, E.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stuart, H.
Stuart, J.
Taylor, T. E.
Thesiger, Sir F.
Thicknesse, R. A.
Thompson, Col.
Thornhill, G.
Tollemache, J.
Trevor, hon. G. R.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Verney, Sir H.
Vesey, hon. T.
Vivian, J. E.
Vivian, J. H.
Vyse, R. H. R. H.
Waddington, H. S.
Wakley, T.
Walpole, S. H.
Walsh, Sir J. B.
Watkins, Col. L.
Wawn, J. T.
Welby, G. E.
Wellesley, Lord C.
Westhead, J. P. B.
Whiteside, J.
Wigram, L. T.
Williams, J.
Williams, T. P.
Williamson, Sir H.
Willoughby, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wortley, rt. hon. J. S.
Wynn, H. W. W.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the Noes.

Anstey, T. C.
Armstrong, Sir A.
Arundel and Surrey, Earl of
Blake, M. J.
Butler, P. S.
Clements, hon. C. S.
Colebrooke, Sir T. E.
Corbally, M. E.
Dawson, hon. T. V.
Denison, J. E.
Devereux, J. T.
Fortescue, C.
Fox, W. J.
French, F.
Geach, C.
Goold, W.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Grattan, H.
Higgins, G. G. O.
Hobhouse, T. B.
Hutchins, E. J.
Keating, R.
Norreys, Lord
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir T.
O'Connor, F.
Peel, F.
Ponsonby, hon. C. F.
Power, Dr.
Pusey, P.
Rawdon, Col.
Reynolds, J.
Scholefield, W.
Scully, F.
Smith, rt. hon. R. V.
Somers, J. P.
Stuart, Lord D.
Sullivan, M.
Talbot, J. H.
Tennent, R. J.
Tollemache, hon. F. J.
Towneley, J.
Trelawny, J. S.

TELLERS.

Murphy, J. S.
M'Cullagh, W. T.

Motion made, and Question proposed—

"That the Title be 'An Act to prevent the Assumption of certain Ecclesiastical Titles in respect of places in the United Kingdom.'"

Mr. GRATTAN said, that, when the last division took place he was in the library, and was unable to reach the House in time to record his vote. He was informed, however, that the question had been fairly put, and he did not think the Irish Members need be in the least afraid of accounting to their constituents for the performance of their duty—he considered that the Irish Members had discharged their duty. The question now was, whether the title which had been proposed should be given to the Bill. He regarded that title as a most improper one, because, as the measure would affect the marriages and the civil rights of the people of Ireland, he thought it ought to be termed "A Bill to invalidate Catholic Marriages, and to discourage the Roman Catholic Religion in Ireland." This was, as had been frequently said, a Bill of pains and penalties. The Attorney General seemed to think that the Irish Members attached no importance to the Amendments which had been carried, but he considered that those Amendments were of great importance to the Irish people. It did not rest with the Irish Members to prevent the carrying of the Amendments, because they could not have turned the division. The Irish Members did not number more than thirty-five or forty, while the majority by which an Amendment had been carried against the Government was eighty; and as forty Irish Members could not have outnumbered that majority, he did not think that it could be termed an "ostentatious defection," if they had abstained from voting. It was not the duty of the Irish Members to come forward and support Her Majesty's Ministers in this instance, and it was the fault of the Government that they had no claim on the people of Ireland. He would ask whether the Government believed that if they withdrew their 27,000 soldiers and their policemen from Ireland, this Bill would be in force there for a year? Ireland, be it remembered, was a Catholic country, and the House dared not deal in this way with England. It was making war against the religious feelings and habits of the people—their religious prejudices, if we chose so to say; it was making war against human nature. The Members for that country might be called "the Irish Brigade," or "the Pope's Brass Band;" but they knew their duty. Let their situation be considered—that the minority always triumphed. For instance, thirty-one Irish Members voted one way, and nine the other—the nine succeeded; so when the numbers were thirty-five on one side, and twenty-nine on the other, the minority succeeded; and so again when the numbers were twenty-eight and twenty; he could go through a list of several divisions, and show the same thing. Members who were sent to Parliament by the majority of the Irish people were always in a minority. Was it to be supposed that the people of Ireland did not notice these things? In the recent excitement the Irish had been quiet. The plan, if it was one, to excite sedition and discord in Ireland, had failed. But it was right to ask in what way it was proposed now to govern Ireland. What were some repealers told from high authority? A person very high in Dublin Castle said to a Member of the House of Commons, "Take care what the Catholics and you Repealers do, for if you go on you will be handed over to the Orangemen." The system of the Government had amounted as nearly as possible to that of 1688; it was not worth while to discuss whether the word should be "abdicated," "forfeited," or "deserted;" but Ministers had abandoned the government of Ireland, and in the way in which they were conducting affairs, had no right to govern Ireland. She was being governed by force, against the expressed wishes of the great mass of the people. The Minister, in good old times, would not have been smiling on the Treasury bench, but kneeling at the bar, charged, it might be, with grave misdemeanours; and there were men in Ireland who would ask, why the Ministers of the Queen had become the murderers of the people? Property sold for nothing. The landlord and tenant question was unsettled. The country was as a volcano. Why not make trial of a real union, a union of hearts? A man's religion should be let alone. Let him be a Turk if he liked. There yet remained the golden link in the hands of that Illustrious Lady who ruled these realms, nor could it be in better hands, if that Personage were well advised, and not misled—advised by individuals, he would not say noble in stature, but noble in mind; and he would trust that, notwithstanding this Bill, the two countries would go on together, and would still be united. The hon. Member concluded with moving, as an Amendment, that the title of the Bill be—"A Bill to Prevent the Free Exercise of the Roman Catholic religion in the United Kingdom."

Amendment proposed—

"To leave out from the word 'prevent' to the end of the Title, in order to add the words 'the free exercise of the Roman Catholic Religion in the United Kingdom' instead thereof."

MR. REYNOLDS seconded the Amendment.

SIR JAMES GRAHAM said: Sir, I most cordially unite in the sentiment expressed by my hon. Friend who has just sat down. From my heart it is my wish that no circumstances may ever occur which may shake the union between England and Ireland. Though I am of opinion that the commencement of this affair was unfortunate, yet I do think that, if possible, its termination this evening appears to me more unfortunate still. I have taken part in two divisions, acting with my noble Friend opposite, in endeavouring to resist certain alterations, which had been termed Amendments, giving more stringency to the measure of Her Majesty's Government than I thought was either safe or desirable. Certainly, under the arrangement which had been made, I did expect that a full and ample opportunity would have been given for one more discussion on the principle of this Bill before it was sent up to the other House of Parliament. I must say, Sir, you gave to every Member of this House the fullest opportunity of originating such a discussion; and I take blame on myself that, under the peculiar circumstances, I did not propose the adjournment of the debate, in order that a still further opportunity might have been given to those who were perhaps surprised—not that you, Sir, used undue speed in putting the question—but being absent, and not being able to return in time to take part in that discussion. I think the circumstances are altogether unfortunate. But still I would suggest to my hon. Friend (Mr. H. Grattan), with whom I cordially agree in resisting this Bill, that there would be more propriety in not taking a division on the principle under the form of a discussion on the title of it. I would wish him and those hon. Members with whom he acts to recollect that the further progress of this Bill in its altered shape is really under the guidance and subject to the responsibility of Her Majesty's Government. That is a grave responsibility, and I am sure they will feel it as such. They ought also to recollect that this country owes much of the defence of its civil and religious liberty to the exertions of the noble Lord now at the head of the Government; and after all that has passed with respect to this Bill, that recollection ought to inspire not only England but Ireland still with the hope that in the last resort its religious liberty may still be safe under the protection of the noble Lord who is now the first adviser of the Crown; and certainly, under all the circumstances, if my hon. Friend (Mr. H. Grattan) will take my advice, he will not press this Amendment to a division, and will acquiesce in this Bill now going up to the House of Lords without further discussion.

MR. SERJEANT MURPHY said, during the whole of the discussion on this Bill, though he had taken no part in the discussion itself, he had invariably been present at every division to record his vote against the measure. He had felt that the Bill, with the many Amendments that were proposed to be introduced into it, was so fluctuating in its character that it was impossible for him, until the third reading, to offer an opinion on the Bill in its integrity, and to form any comprehensive view of what its provisions would be when sent up to the other House of Parliament. But he was not the less an attentive observer of its progress; and the House would believe that he was a sincere opponent of the measure, and that for some time he had devoted all his energies with a view to understand what he might call its legality as well as its expediency. He had no opportunity of addressing the House on the second reading, and he did not think that the Committee would be a convenient time for interposing his objections to the whole principle of the Bill. He had come down to the House that evening prepared to give his views on the third reading of the Bill, and he certainly did believe an opportunity would have been given him to speak. He certainly had not heard from the Chair the words "that the Bill do pass," and when he rose he was told he was too late. But his hon. Friend the Member for Meath (Mr. H. Grattan) had charged him with seceding from that intention. That was a very ungenerous thing on the part of the hon. Member for Meath under the circumstances. The hon. Member for Meath and his party knew that he (Mr. Serjeant Murphy), for abstaining from taking any part in the discussion on this Bill, had been maligned in certain newspapers in a manner that, if he were to bring the matter before the Court of Queen's Bench, he might have the parties who had so maligned him condemned to two years' imprisonment. His silence had been characterised as that of a man who, for gold, would sell his fellow-men. That was the style of vituperation with which he had been attacked for a silence which was well intended. He said it was a most ungenerous thing for the hon. Member for Meath to have made that charge against him. Because hon. Gentlemen opposite had the unspeakable folly to leave the House, and because they wished to throw the responsibility from their own shoulders—and he said this as an Irish Roman Catholic Member—the people of Ireland were now to be told that he (Mr. Serjeant Murphy) was the traitor. It was part and parcel of the whole conduct of that party who in that House had damaged the respect that would have been otherwise due to their position, and had frittered away opportunities which, if they had conducted themselves in another spirit, would have been noble in their results.

Mr. GRATTAN said, he had never seen in the newspapers the calumnies to which the hon. and learned Member for Cork referred, and disclaimed any intention of reflecting on the character of the hon. and learned Gentleman.

Mr. REYNOLDS was quite prepared to say that he was not one of those who had at any time censured the hon. and learned Member for Cork, either publicly or privately, for the part he had taken with respect to this Bill. There was, however, no mistake with regard to what had fallen from the hon. and learned Gentleman on the hustings at Cork, on the subject of this Bill. He told his constituents what he would do, and, to use a legal phrase, "they were purchasers with notice." He (Mr. Reynolds) recollected to have read a speech made by the hon. and learned Gentleman at Cork, in which he characterised this Bill as a *brutum fulmen.* On referring to the absence of him (Mr. Reynolds), and that of others, when the Speaker put the question that the Bill do pass, the hon. and learned Gentleman had designated their conduct as unspeakable folly. He (Mr. Reynolds) had a right to protest, and he did protest, against the lecturing language of the hon. and learned Gentleman. The hon. and learned Gentleman had referred to the course which he (Mr. Reynolds) and upwards of thirty Irish Roman Catholic Members, and some Protestant Irish representatives also, deemed it advisable to pursue on a recent occasion, when certain Amendments were proposed by the hon. and learned Member for Abingdon. He might refer to a clause proposed by his hon. and learned Friend the Member for Athlone, which caused considerable discussion in that House between his hon. and learned Friend and the hon. Gentleman the Secretary to the Lords of the Treasury. It was in the recollection of the House that the noble Lord at the head of the Government did that which every one knew he had a right to do, namely, overruled the consent given by his subordinates in office, and did something that nearly amounted to a breach of faith from the Ministerial benches. He (Mr. Reynolds) and his hon. Friends made up their minds that the Bill could not be made more severe in its provisions, even by the clause proposed by the hon. and learned Member for Abingdon. Feeling a good deal of disgust and considerable indignation at the breach of faith that was then committed with them, they made up their minds to pursue a particular course. They determined that they would be no parties to any modification of a Bill so penal in its character. The House had affirmed the principle that any man in the United Kingdom might send up an indictment against a Roman Catholic archbishop or bishop for what was called a misdemeanour; and when they found that they said, "Let the Government take all the responsibility upon themselves." That was what the hon. and learned Gentleman the Member for Cork called blind folly. That was matter of opinion. They would see what the liberal electors of Cork would call it. The hon. and learned Gentleman said he did not care anything what they thought. He (Mr. Reynolds) wished him joy of his indifference. The hon. and learned Gentleman probably did not say that before he was elected. Whilst, however, acting independently for himself, as the hon. and learned Gentleman had a right to act, he (Mr. Reynolds) protested in the strongest language which Parliamentary usage would allow him to employ, against the hon. and learned Gentleman presuming to dictate to him (Mr. Reynolds) and his hon. Friends the course which they ought to pursue. He did think the hon. and learned Gentleman owed him (Mr. Reynolds), and those with whom he acted, an apology for the language he had used in describing their conduct. Now, with regard to the observations that had fallen from the right hon. Gentleman the Member for Ripon (Sir James Graham), a request from him, under circumstances of this kind, was almost a command with him (Mr. Reynolds). He and those with whom he acted felt that they owed the right hon. Gentleman a deep debt of gratitude for his conduct with reference to this Bill; and he (Mr. Reynolds) was disposed, as far as he was concerned, to adopt his advice, and to throw the responsibility on those who occupied the Treasury benches. But he wished to remind the right hon. Gentleman that there was a specific understanding to allow the Bill to be read a third time, they (the Irish Members) reserving to themselves the right of discussion on the question that the Bill do pass. He had heard that the conduct of the Speaker was above all blame. He did not require any assurance of that kind; but he might say on his own part, and that of others, that, on returning to the House after the division, they found the passage so hemmed in, that whilst the Speaker was putting the Motion that the Bill do pass, they were endeavouring to force their way into the body of the House. On reaching his seat, he was informed that the question had been finally settled. With respect to throwing the responsibility of this Bill of pains and penalties on the Government, he was afraid that the millions who professed the Roman Catholic religion in England and Ireland would scarcely accept the letter of credit which the right hon. Baronet had drawn in the noble Lord's favour that their religious liberty was safe in the hands of the functionary who had been mainly instrumental in framing the Bill. He had only to say, with regard to the people of Ireland, that he believed they had made up their minds to their course. He (Mr. Reynolds), and those with whom he acted, would return to their own country, and he for one would on every public occasion declare to the Catholic people of Ireland that they had nothing to rely on for the preservation of religious liberty, and even of what was called toleration for their creed, for the remainder of their lives, and for the lives of their descendants, but their own exertions; that they must combine against the common enemy, and, if they did not combine, aggression would be committed against them from day to day, the Act of 1829 would be frittered away, and they would be in a worse position than they were prior to that Act of emancipation.

MR. LAWLESS said, he also must protest against the language used by the hon. and learned Member for Cork. The conduct of the noble Lord at that stage of the Bill corresponded with the spirit in which the Bill was proposed and pressed forward. It was well understood that the Bill was to be discussed on the question that the Bill do pass; and the conduct of the noble Lord on this occasion was so unlike all his previous conduct, that he almost doubted whether he was the same noble Lord. If there had not been a single Irish Member present, the noble Lord should not have allowed the question to have been put. Such conduct was unhandsome and unworthy of the noble Lord's former self. The right hon. Baronet the Member for Ripon (Sir J. Graham) had declared that in his opinion the noble Lord's conduct was unhandsome.

SIR JAMES GRAHAM wished to correct a misapprehension which seemed to have arisen. He had said most pointedly that the right hon. Gentleman in the Chair had given every Member the fullest possible opportunity of discussing the subject and of moving Amendments on the psssing of the Bill; but he made no imputation on the noble Lord at the head of the Government. Observing his hon. and learned Friend the Member for Cork in his place, he thought the hon. and learned Gentleman would, as he understood, take a leading part in the discussion that evening. His hon. and learned Friend, he was certain, was not aware of the precise stage at which the proceedings had arrived. He took blame to himself for not moving that the discussion on the passing of the Bill should be postponed. He believed the noble Lord regretted the loss of the opportunity of debating the Bill on this occasion as much as any one in the House.

MR. LAWLESS (addressing the Speaker) said he had not presumed to criticise his conduct; he was quite sure it was on that occasion, as on all others, most impartial.

MR. KEOGH did not rise to detain the House for more than a single moment. He thought it was unfortunate that his hon. and learned Friend the Member for Cork did not hear the question put by Mr. Speaker. He felt perfectly certain that his hon. and learned Friend did not hear it. He did not, however, rise for the purpose of discussing that question, but for the purpose of asking his hon. Friends whom he saw around him to assent to the proposition made by the right hon. Baronet the Member for Ripon. The elevated position which the right hon. Baronet occupied in that House, the high authority which attached to his name, and the eminent services he had rendered at all times to the cause of civil and religious liberty, demanded from him (Mr. Keogh) and his friends around him whose religious liberties were assailed, the greatest confidence in his judgment, and acquiescence in his recommendations; and except that the House had not had the advantage of hearing the right hon. Baronet deliver his opinions again on this question, he (Mr. Keogh) had no regret that the discussion had taken the turn it had done, because he thought it fortunate for the cause they were then advocating that the whole responsibility of this Bill should rest on the noble Lord the First Minister of the Crown; and let him make this one observation—let the House and the country remark that the responsibility of this Bill did not rest in an ordinary manner on the noble Lord; but that, having proposed one Bill to that House, he retreated from that Bill before a month had elapsed, and then he adopted the suggestions of one of the leading Members of the Opposition; then succeeded in defeating the proposition of another leading Member on the Opposition side; then he declared his conviction that no one but the Attorney General should have the power of prosecuting under this Bill; but when he (Mr. Keogh), a humble Member of that House, acting on the noble Lord's opinion, proposed to put into the form, adopted and assented to by the noble Lord's own law officer, a clause for that purpose, the noble Lord opposed that clause; and then the noble Lord complained that the Irish Members did not follow him into the lobby to vote with him for a proposition which was the direct negative of that clause. This Bill would find its way to the other House of Parliament with this remark on the back of it, that it was the first Bill restricting the religious liberties of a great portion of the population of this country which ever reached that House, and that the First Minister of the Crown who proposed it received no less than four ignominious defeats; and, after speaking to his utmost against propositions which had since been embodied in the Bill, the noble Lord yet said that was his Bill, and took upon himself all the responsibility it involved. That was a position which he (Mr. Keogh) would not attempt to enfeeble or weaken—with the noble Lord let the responsibility rest. He (Mr. Keogh) believed, in his conscience, that responsibility was what the noble Lord's strength was not able to bear.

Mr. Keogh

Mr. AGLIONBY said, that as an independent Member of that House, he could not refrain from expressing his surprise at the extraordinary attacks made upon the noble Lord at the head of the Government. The noble Lord was no party to preventing a discussion on the third reading of the Bill, and to say he was, conveyed one of the most unwarrantable charges ever made. [Mr. Keogh: No one said so.] He certainly understood an hon. Gentleman opposite to make that statement, though probably it was to be imputed to the heat of debate. Nothing was ever less warranted than such a charge. The hon. and learned Member for Cork stated to him early in the evening that he intended to speak on the Bill, and at the same time expressed his belief that the debate would not finish that night, and perhaps not even on Monday. He expected, therefore, when Mr. Speaker put the question that the Bill do pass, to see some Irish Gentleman rise. Mr. Speaker put the qnestion slowly and deliberately, as if he expected some one to rise, and turned his eyes towards that side of the House from which he seemed to think opposition likely to come; and he must say he thought the right hon. Gentleman appeared to be as much surprised as he was when no Member laid hold of the opportunity to speak. Mr. Speaker indeed paused twice, to give ample time to any one who chose to address the House, and he was therefore not to blame for what had occurred. Now, was the noble Lord to answer for the Irish Members in such circumstances? How was he to know their tactics? Or was Mr. Speaker to call upon some imaginary person to get up and speak? He denied that the whole responsibility of the Bill, as it now stood, rested with the Government alone. There were many other Members in the House, himself among the number, who were opposed to the too stringent clauses which had been introduced; and he must say he deeply regretted that those who opposed the Bill should have deserted the noble Lord on that occasion. The noble Lord had done what he could to prevent the obnoxious clauses being passed; and those who wilfully absented themselves when the vote was taken on that clause, were parties to its passing as much as those who voted in its favour.

Mr. MOORE maintained that the responsibility of the Bill, let it be what it might, still rested with the Prime Minister.

He had taken charge of a Bill that contained provisions opposed not only to the policy of his whole life, but diametrically opposed to his own declared intentions and frequently expressed sentiments during the progress of the Bill itself. The clause relating to Bulls introduced by the hon. and learned Member for Abingdon rendered penal that which the noble Lord in 1846 declared to be essentially necessary for the administration of the affairs of the Roman Catholic Church in Ireland; and there arose, therefore, this dilemma, either the Catholic religion must be put down in Ireland, or that religion must be continued, in direct violation of the law. The noble Lord tried to escape by saying the Roman Catholic Members were responsible for the passing of the clause; but could the Prime Minister of England shift the responsibility from his shoulders in that way? If the noble Lord allowed himself to be made the instrument of passing a clause to prevent that which he declared to be necessary for the administration of the Roman Catholic religion, namely, the introduction of Bulls into this country, it was no answer to say that the Catholic Members failed to assist him in resisting that clause. The noble Lord was responsible for the peace of the country; and if the Irish Members had neglected their duty, that was no reason why the noble Lord should have neglected his. But the Irish Members had not neglected their duty in this matter. They were delighted to see the Bill as it was. The wished to see the Bill as disgraceful, as discreditable, as tyrannical, and unpalatable as it could be made. They were pleased to find that the same penalty was attached to the introduction of Bulls as to the taking of titles. They would all be able more or less to violate the provisions of the Bill, and by the blessing of God they would violate it as often as possible. If the noble Lord, on the one hand, passed this measure, and so violated the liberty of the subject; or if, on the other hand, he allowed the law to be derided aad despised, then the noble Lord might keep his party floating a little longer—he might a little longer maintain his position as a dexterous placeman, but he would hold his position as the hack of the Opposition, and not as the Prime Minister of England.

COLONEL SIBTHORP had been surprised to hear that a considerable discussion had taken place on that stage of the Bill. He had not expected it, and that would, he hoped, account for his absence. He could not look upon the present measure as other than an act of great political cowardice on the part of the Government. He believed the noble Lord did what he intended to do, namely, deceive the Irish Members, and did very little to maintain the religion of his country or the dignity of the Throne.

LORD JOHN RUSSELL: Sir, I do not rise to notice anything that has fallen from the hon. and gallant Colonel. But there are circumstances connected with what has occurred within the last few days, and especially what has occurred to-night, that certainly may be liable to misconception, of which, indeed, we have had evident proof during the last half-hour. Yesterday the right hon. Gentleman the Member for the University of Oxford (Mr Gladstone), stated, that as there were certain Amendments which were to be submitted to the House for final adoption or rejection, and the shape of the Bill might be changed by the adoption of them; it would be desirable that those Amendments should be disposed of on the third reading, and that a debate on the general merits of the Bill should take place on the question that the Bill do pass. The House will recollect that I then said I thought it would be more convenient that we should discuss the Bill in the shape it would ultimately take after the division on the Amendments; but though I thought that course the most convenient, it was entirely for the opponents of the Bill to decide whether it should be followed or not. I consider, therefore, that I had nothing to do but to move the third reading, and the passing of the Bill—it was for them to decide when and in what manner they would take the debate. The opponents of the measure, however, chose to absent themselves from the discussion of those Amendments to which I have alluded—a matter on which I shall presently speak; but, having absented themselves, immediately after the division on those Amendments, you, Sir, most fairly and most particularly stated to the House that the question was whether the Bill should pass? I certainly was surprised that no one rose; and for the moment I was disposed to rise myself, in order to introduce the debate; but it just occurred to me that if I spoke, then some of the Gentlemen who have oppened the Bill, and who might rise to speak afterwards, would not fail to bring charges against me of one kind or another, and then I should be precluded from answering them. Besides, it was obviously the business of those who opposed the Bill to raise the question before the House, and to say whether or no they had any objection that the Bill do pass. Nevertheless, the hon. Member for Clonmel (Mr. Lawless) lays the entire blame to my charge that he and his Friends were all absent from the House, and that those Members opposed to the Bill, and who were present, did not rise to take the opportunity of objecting to it. Now, without throwing any blame on them—admitting that they were perfectly right in being absent from the House—admitting that those who were present did not hear the question put—surely the blame cannot fall upon me. I am the last person who was bound to undertake that there should be a long discussion on the passing of the Bill. Then the hon. and learned Member for Athlone (Mr. Keogh) was exceedingly angry that a certain proposition of his was not received, and he triumphed very much at our being defeated on an Amendment that went in effect to make the Bill the very reverse of what he himself proposed to make it. The hon. and learned Gentleman's proposal was that no one but the Attorney General should take any proceedings under this Act. The Bill, as we stated after some consultation—and we were all agreed upon that point—the Bill was then in that shape that no one but the Attorney General could take these proceedings; therefore I said I thought the clause was unnecessary—that I did not think it fair to the House to support such a clause without giving notice that I would do so, especially as the Bill in its then state was such as the hon. and learned Gentleman proposed to make it; and accordingly I refused my support to his clause. Then, when another hon. and learned Gentleman proposed to make the Bill different from what the hon. and learned Member for Athlone wishes it—when he proposed that any common informer, with the consent of the Attorney General, may take proceedings under the Act, the hon. and learned Gentleman is absent, and refuses his concurrence in opposing this Amendment that completely overthrows his own views of the subject. What consistency there is in this I cannot comprehend. I can understand the hon. and learned Gentleman saying, as the hon. Member for Mayo has said, that he wished the Bill to be as bad as possible—that he wished to make it discreditable to the House; but that was not the view of the hon. and learned Member for Athlone. He proposed various Amendments, and tried to carry them. One of those Amendments I assented to, and the House adopted it without a division. Then he proposed the Amendment to which I have already referred, and, because it was rejected, he admitted by his absence and that of his Friends, an Amendment the very opposite of his own. Such a course of conduct was not very intelligible: but it was not still more unintelligible that, having by their absence enabled the hon. and learned Member for Abingdon to introduce his Amendments into the Bill, they should then lay upon us who had charge of the Bill, the responsibility of those Amendments. I am not disposed to shrink from any responsibility I have justly incurred. The responsibility I do incur is this—and it is a grave and serious responsibility — considering the Amendments that have been introduced into the Bill against my consent, and in opposition to my judgment, can I still take charge of the Bill, and recommend to the House to pass it in the shape in which it now stands? That is my responsibility. My responsibility is not that of having introduced these Amendments, or of having carried them, but of considering whether I should be justified in still adhering to the Bill with the Amendments that have been introduced into it. On that question, those who hold the same opinion with myself, and think that the introduction into this country, last autumn, of the Papal Rescript was a very serious aggression against the rights of the Crown and the independence of the nation, will feel with me that it would have been a great misfortune, if, after we had from the commencement of the Session, been debating a Bill with the view of its becoming a legislative Act, and as a legislative Act calculated to repel that aggression, and assert the supremacy of the Crown and the rights of the nation, we had at the last hour altogether deserted and thrown up that Bill; and left the aggression unchecked—and left those who had invaded the rights of the nation to triumph over the people, whose wishes, sentiments, and general expectations, so unequivocally expressed, would thus be baulked by the failure of the only measure before Parliament to resent the insult put on the country. I felt that to be so serious a responsibility that weighing the one circumstance against the other—having maturely considered the purport and probable alteration of the Amendments of the hon. and learned Member for Abingdon, and, having stated my objections to them, I yet felt that there was no part of those Amendments, altered as they have been from the Amendments originally proposed by the hon. and learned Member for Midhurst, and made more temperate in their operation, which would justify me in incurring the serious responsibility of throwing up the Bill. That, Sir, is the responsibility which I have fairly incurred, and from that responsibility I am in no way prepared to shrink. I do not believe that there is anything in this Bill, even in its present shape, which militates against religious freedom. The right hon. Gentleman the Member for Ripon has said, in terms which I certainly cannot say that I deserve, that he believes that the execution of this Bill after it had passed into an Act of Parliament, would be safe in my hands, and that he had no apprehension that religious freedom would be violated. I thought, Sir, that I had a far more extensive question than that to consider with respect to the passing of this Bill. I do not think it would be enough for me to say that the Members of the present Government, whether in this country or in Ireland, would take care that this Bill would not be put into operation in such a manner as to violate religious freedom. I think that we should be bound not to move the passing of the Bill—not to be parties to its passing—if we considered that any Government which might hereafter succeed us would be able to use the powers confided to them by this measure in violation of religious liberty. I think our responsibility goes as far as that, and that we should fall short of our duty if we said we will take charge of this Bill, and put it in force in such a manner that no oppression shall be exercised under it: but that those who come after us may use it for that purpose. Now, I do not believe that this Bill will be used for such purpose. I do not mean to say that an Attorney General might not by a flagrant violation of his duty, as I should conceive it would be, give a loose to the common informer in cases which ought not to receive his sanction. That I conceive to be possible; but in such cases as that, as in the case of many other Acts of Parliament by which powers are confided to the Government to be exercised with proper judgment and discretion, Parliament would be always ready to check any undue and wanton exercise of the powers it has itself conferred. That is an observation which applies not to this Bill, but also to many Acts on the Statute-book, and to the whole powers and prerogatives of the Crown. There may be abuses of the prerogatives of the Crown within the law, which might be committed at any moment with serious public mischief, but which are prevented by the nature of the institutions of this country, and by the responsibility which rests upon the Ministers of the Crown. But that which I have always confided in—that which I stated I confided in from the first moment of hearing of this aggression on the part of the Pope—was in the fact that this country had been long in the enjoyment of civil and religious liberty; and that I do not believe that it would be possible in this country to interrupt that long usage, and to violate the sanctity of conscience, or to prevent the public worship and exercise of all the rites of religion according to the opinions and faith of various classes of Christians who may be established among us. [*Ironical cheers.*] Yes; happily for us we do not live in a country where it is usual to bring persons before a tribunal for the offence of reading the Holy Scriptures, and to send them to an unwholesome gaol for an offence of that kind. Hon. Gentlemen who have spoken with such severity of my conduct, who have represented us as persecutors and enemies of religious liberty, may depend on it that no proceedings such as are countenanced and applauded in some other countries, where the influence of the Roman Catholic religion is greater than in ours, would be countenanced by any Minister of England who may sit on these benches. Well, after all, is there anything hostile to religious liberty in preventing, not Roman Catholic bishops either in England or in Ireland exercising their functions, and, to use the expression of the Bequests Act, "officiating" in various parts of the country; but in preventing their officiating under certain territorial titles, and using certain instruments in this country granted by a foreign Power, conferring on them those territorial titles? It appears to me that there is no infringement of religious liberty in that prohibition; and it likewise appears to me that there is a change, which is in my opinion perfectly practicable, and which, if the See of Rome would but condescend to consider the present state of the world, that see might at once adopt, and thus relieve itself from all those apprehensions which it may contemplate from the enactments of the measure of 1829, and of the measure we are now considering. The fact is, the Roman Catholic Church is not the only Christian Church in Europe. The fact is—though it may sound as a novelty at Rome—that this country, not, as I think, by "a deplorable schism," but by a division from the Church of Rome, became another body of the great Christian community, separated from Rome, and maintaining its own national Church and its own system as a religious and Christian nation. There are others, Protestants, dissenting from the Established Church, but likewise forming part of the great Christian community. Now, if the Church of Rome would but acknowledge these facts—if it would but acknowledge that there are Christians in this land besides the Roman Catholics—if it would but say that its bishops and archbishops were not Archbishops and Bishops of Westminster, Birmingham, Armagh, and Dublin, but bishops of the Roman Catholic Church officiating in certain districts—and if it would confine their ministrations to those of the Roman Catholic faith, I do not believe there would be any dispute either in Parliament or in the country with reference to the Roman Catholics having not only the number of bishops they have now in this country, but even of increasing the number as they might think fit. The real aggression consists in this, that they pretend not to recognise any Christians except themselves—that they assume the government of the whole territory of this Protestant country; and, by their theories, which are totally different from the fact, assume also that all baptised persons are subject to their own bishops and priests, and that there are not persons belonging to the religion of this country and professing its faith. As long as these pretensions are kept up, we cannot allow of them, and we shall not allow to be erased from our Statute-book certain provisions against such pretensions. I own that it appears to me that if the See of Rome were guided by the commonest prudence and by ordinary common sense, nothing would be easier for it than to appoint its bishops with names and designations which would not give offence to any one, which would not interfere with the title and supremacy of the Queen, and, being entirely religious designations, would be innocent and harmless. These, therefore, are my reasons for not considering that there is anything that can be called persecution in the present Bill, even with the addition of the Amendments of the hon. and learned Member for Abingdon. We are bound, I think, in duty and allegiance, while we admit all persons to profess and practise their own religion, not to allow any foreign Sovereign to presume to have a sway and government in this country inconsistent with the sway and government which lawfully belongs to the Queen of this kingdom, whose supremacy will, I think, be asserted by this Bill. And I trust that, after this is passed, the Roman Catholic portion of the people of this kingdom will see that they will have the perfect right to exercise their own religion, but, at the same time, will understand that they have no right at all to say that they are to override the powers of the Parliament of this country, and to decide as they please as to its Government.

Mr. GLADSTONE: Sir, I believe I speak the general sentiments of the House, and I am sure I speak those of the noble Lord, when I express my own unfeigned regret for the position in which we have accidentally been placed. In a case where we are passing a law of a restrictive and penal nature, however that law may be justified—which, of course, I do not admit—but, however that law might be justified by supposable circumstances, it is, in my judgment, a matter of the first importance that at every stage of the progress of such a measure there should be demonstrative evidence of the claim to deliberate and respectful attention of Parliament, not only of the arguments but the feelings of those with whom they have immediately to deal. The Parliamentary history of this measure is so remarkable, the variations it has undergone have been so numerous and so important, its legal bearings are so complicated and confused, there is a diversity in the opinion of gentlemen belonging to the profession of the law with respect to its effects so far exceeding what I can recollect on any former occasion of a Bill of this first-rate importance, that it was greatly to be desired we should have had the opportunity of reviewing fully the course of the argument, and of such discussion as would have tended to elicit something like a collective result, something like an authoritative description of the character and effects of the measure which we are about to send up to the House of Lords. The opportunity has passed, and the right hon. Gentleman the Member for Ripon has given advice from which I do not dissent, that as the opportunity has passed, it is better to refrain from making any forced or factitious attempt to regain it by discussing the general merits of the Bill upon a question which does not warrant such a debate. I shall, therefore, content myself with saying, in the first place, how deeply I regret, and how sincerely I apologise to the House, if in consequence of the suggestion which I presumed to make yesterday, with no other view than the general convenience, I have been, however indirectly, the cause or occasion of what has occurred. And I am bound to express in the strongest manner my conviction that the noble Lord is not chargeable in any manner with what has occurred. The noble Lord has referred to one subject of great delicacy and importance, the responsibility of the Government in regard to the passing of this Bill. He has stated with perfect fairness that he is responsible for the measure as a whole, with reference to all the circumstances under which he assumes that responsibility, while he is not, of course, responsible for the introduction of the particular Amendments of the hon. and learned Member for Abingdon. Assenting to the definition which the noble Lord has given of the measure of his responsibility in principle, I cannot but differ from him as to the application which he has made of the principle; because it seems to me that the measure, as he himself introduced it, or at all events as he himself ultimately modified it, was the authoritative interpretation which the Queen's Government had put upon this most solemn assurance which Her Majesty addressed to Parliament at the commencement of the Session. What were the terms in which Her Majesty then addressed the two Houses of Parliament? Her Majesty said—

> "The recent assumption of certain ecclesiastical titles conferred by a Foreign Power has excited strong feelings in this country, and large bodies of my subjects have presented addresses to me, expressing attachment to the Throne, and praying that such assumptions should be resisted. I have assured them of my resolution to maintain the rights of my crown, and the independence of the nation, against all encroachment, from whatever quarter it may proceed. I have, at the same time, expressed my earnest desire and firm determination, under God's blessing, to maintain unimpaired the religious liberty which is so justly prized by the people of this country."

Now, Sir, I ask, were enactments such as those propounded and carried by the hon. and learned Member for Abingdon with a manliness and firmness which do him honour, within the view and definition of the noble Lord, when, at the commencement of the Session, he advised the Queen to declare Her determination to maintain religious liberty unimpaired? I hold that the provisions of the Bill, as introduced, were the authentic and unchangeable construction placed by the noble Lord upon the words of the Queen's Speech. There are those who put very different senses upon the effect of the Amendments. The Solicitor General said there was no persecution in these Amendments, but there certainly was vexation. Now, Sir, it appears to me to be a very nice matter, when dealing with conscience, with feeling, with those most tender and delicate of all subjects interwoven with great political struggles of the country for the last half century, to draw those fine distinctions between persecution and vexation, and say, "I admit there is vexation, but I assure you there is no persecution." The personal assertion of the hon. and learned Gentleman will go as far in matters of truth and honour as that of any man alive; but this is no question of personal honour —it is a question partly of political argument, and partly of legal construction. I am afraid few will be inclined to assent to the minute distinction which he drew; and if you find one legal authority who states that the character of the measure has been but slightly modified by the Amendments of the hon. and learned Member for Abingdon, there are other Gentlemen who believe, and with great show of reason, that those Amendments have essentially changed the character of the Bill, and have altered it from a Bill professing to suppress ecclesiastical titles, but composed of enactments wholly unequal to that object, into a Bill which is perfectly adequate to fulfil the promise it gives, and actually suppress the titles against which its nominal prohibitions are directed. Still deploring the insufficiency of that legal guidance to which we are so much accustomed to look on these great questions, I do not understand how it can be contended that the character of the Bill has not been essentially modified and most materially changed by the introduction of these Amendments. Before these Amendments were introduced, you legislated simply against the assumption of titles—against the act of the individual bearing the title. What might have happened under that clause? You might have had a most solemn meeting in some Roman Catholic building in Westminster or Lambeth—you might have invited the whole world to attend—you might have had three or more prelates of the Roman Catholic Church conferring, in the face of day, and in the face of the public, the office of bishop, and the title which the man was to bear; and that circumstance so solemn, and done with every circumstance of notoriety, would not have been punishable in the person of any one of the parties concerned. But how stands the case in consequence of these Amendments? You legislate, as I said before, against the offence of assuming the title which can hardly ever be proved. My learned Friend is not satisfied with going against an offence you cannot get at. He has indicated an offence which must be constantly committed; and every man who gives effect to a Bull, who obeys a Bull by conferring a title, is liable to the operation of the law. Well, then, if that is so, surely you have got now a very drastic, pungent, and sweeping measure indeed. The noble Lord then, it appears to me, is responsible for sending up to the House of Lords, with the weight and authority of his recommendation, a measure which does not correspond with that sense of the great principle and important phrase of religious freedom which he advised Her Majesty to use in the most solemn manner at the commencement of the Session of Parliament. Well, what does the noble Lord say? He says that religious liberty will not be violated under this Bill, and he says that we shall have no such proceedings in this country as have unhappily taken place in Tuscany recently, where some gentleman has been most unwisely and unwarrantably punished for no other offence, I believe, than that of reading the Word of God for the edification of his own soul. But ought the Prime Minister of England to stand up and point to a country that is two centuries behind you in the experience of freedom, and in the establishment of all the great principles of social liberty, and to tell us that we ought not to be afraid that we are going back into the abyss from which it has taken us the last two centuries to emerge. Sir, I distrust the first steps backwards towards that abyss; and let me tell the noble Lord that it is no consolation to us to say that our whole fabric of religious freedom, raised by the fervour, and the skill, and the pains, and the sufferings of so many generations, is not to be swept away by a single Act of Parliament. Does he touch religious liberty by this Bill, or does he not? I was deeply struck by the words of the noble Lord which the House has just heard. He has said, "I think the real aggression is, that the Roman Catholics pretend not to recognise any Christians except themselves, and pretend that all baptised persons are of right subject to the priests." The noble Lord says that this is the real aggression; and he says that, so long as that is the case, the Parliament of this country cannot consent to erase from the Statute-book certain enactments penal in principle, which are directed against it. A more important declaration, one more pregnant in vital meaning, I never heard from a Minister of the Crown. Because, what is this aggression? Is it a new assumption? Why, it is an essential principle of the religion which you profess to tolerate. When in 1829 you removed the Roman Catholic disabilities, was the case different from what it is now? Did they not then, as now, and as much as now, and in precisely the same manner, refuse to recognise any Christians except themselves, and pretend that all baptised persons were of right subject to their Church? Most certainly they did. And now the noble Lord, in assigning a justification of a penal measure, founds it, not upon the act of the Pope—which I regret as deeply as he does—not upon any single or recent act of the Pope, but upon that exclusive principle of the Roman Catholic Church, that claim to the exclusive allegiance of all Christians, which has been all along a principle—not a secret and clandestine, but an open, and avowed, and notorious principle—of the Roman Catholic Church. But this is a strictly religious principle; it is a principle capable of being confined by wise laws to acts of spiritual dominion, and yet until that principle is abandoned, says the noble Lord, these penal measures cannot be erased from the Statute-book. This shows the fatal confusion of mind and ideas under which we have been legislating. You have been irritated by the language of certain documents, and, in the anger which that language has produced, you have legislated against acts which, whether right or wrong, were apart from that language, and were acts done in a spiritual sphere, and which, therefore, it would have been your wisdom, as it was your duty, in no manner to interfere with.

You have not succeeded in proving the temporal character of these acts. The noble Lord says that nothing would have been easier than to have appointed the Roman Catholic bishops with titles that would have been inoffensive to any one. Now it is not always easy for the members of a religious persuasion so to regulate their laws or their discipline as to make them palatable to persons who do not belong to them; and I thought that it had been the wisdom of Parliament to have found a solution of a problem which other countries have declared to be insoluble, that we had at least learned how to deal with these questions, and to say, "We shall pass them by, and shall leave religionists to settle them themselves, so long as they do not interfere with civil and social freedom." Now what are you doing? I am not pleading for respect to be paid to the Pope by the British Legislature —I am not objecting to any proposition against the recognition of Papal Bulls—that for which I am pleading is the equal religious freedom of all classes of Her Majesty's subjects. I only look at the outside in the present instance—I look only at the exterior of the different religious communities of which this kingdom is composed, and I cherish an ardent desire to pursue such a course of legislation as, if we are tied to the great calamity of religious divisions, yet shall tend to bind us together in social and civil concord. Now, can you show me that the appointment of bishops is an act of temporal prerogative? You cannot show it; but I convict you out of your own mouths, because I show that in Scotland, where territorial titles of bishops of the Church of England exists, you have saved them by exemption from the Bill.

SIR GEORGE GREY: The titles do not exist in Scotland.

MR. GLADSTONE: The right hon. Gentleman says that these titles do not exist. He means that they do not exist in the eye of the law—then only leave just so much existence to the titles of the Roman Catholic Bishops. That will content all the Gentlemen who sit below the gangway; nay, the Pope himself will be content with that. It is not for the sake of making a point in argument—it is from an earnest desire to get at the reality of the case—that I say you yourselves have professed that a territorial title is not a legal object of penal enactment, because you have saved it in the case of the Protestant bishops of Scotland. It is, therefore, with the deepest lamentation that I see this Bill passing. I know how useless it is to reiterate entreaty on the subject, more especially as we have not had the opportunity of re-examining once more, before the departure of the Bill, the whole historical and legal bearings of the case. For my own part, having satisfied my sense of the deep responsibility under which the noble Lord has placed himself—a responsibility which cannot be extenuated by any argument—I must be content, under the circumstances, with once more solemnly renewing my protestation against the Bill—as a Bill, in the first place, hostile to the institutions of this country, and especially to the Established religion, because it teaches that religion to rely upon supports other than those of its spiritual strength and vitality, which can alone give it vigour; as tending also to undermine and weaken the authority of the law in Ireland; as disparaging, moreover, to the great principle of religious freedom, under which this wise and understanding people has permanently built its legislation of late years; and as tending to relax and to destroy the bonds of concord and goodwill which ought to unite all classes and persuasions of the subjects of Her Majesty.

LORD JOHN RUSSELL wished to explain. The right hon. Gentleman had correctly repeated his words, that one cause of the offence was the exclusive character of the See of Rome; but the right hon. Gentleman had stopped there. He (Lord John Russell) also said, that in consequence of those assumptions the Church of Rome had pretended to govern the whole of the people of this country, and that in taking those territorial titles they did interfere with the due prerogatives and rights of the Sovereign.

The MARQUESS of GRANBY: I was anxious, Sir, to have had an opportunity this evening of offering my sentiments to the House on this question, and of giving the reasons why I have, in the main, supported the Bill of Her Majesty's Government, though, in some points, I have felt myself under the necessity of dissenting from them. I regret I have been disappointed of that opportunity by what has occurred; though I am sure that I ought not to attribute to the noble Lord any desire to bring this discussion to an abrupt conclusion. I may, however, perhaps be permitted to refer very briefly to some of the remarks that have fallen from my right hon. Friend the Member for the University of Oxford. My right hon. Friend says that the question we have to decide is, whether in this Bill we interfere with the religious liberty of our Roman Catholic fellow-subjects. Now, Sir, I altogether dissent from the very able speech of the right hon. Gentleman, and I must say that I have heard no argument, either in this House or out of doors, to show that the introduction of this Papal Brief was at all necessary to the due exercise of the Roman Catholic religion. Nay, I will ask any Roman Catholic to show me any exercise of the religious functions of his Church that is interfered with, or to point out to me any penal laws under which he suffers, or, indeed, any necessity whatever for the introduction into this country of this Brief from Rome. The Pope said, in that Brief, that the Roman Catholics in this country had been hitherto governed by vicars-apostolic, and that under that system the Roman Catholic religion had greatly increased in England. No cause was shown that any impediment was offered to the free exercise of their religion; and if, indeed, such had been the case, I should have been most willing, and I am sure the country would, to have done anything to remove such impediment. I ventured the other night to ask the Irish Members to give some answer to the language of the Papal Brief, which says that the ancient sees of England are to be rendered void? No answer to that question did I receive from any one of those Gentlemen; but, a few days afterwards I received a paper in which a passage was marked, addressed to the editor of the *Northern Whig*, to the effect that those ancient sees were constituted by Papal authority, and that it was only common sense for the Pope, in making a new law, to declare former laws on the same subject abolished. Are we, then, to be told that the sees of Canterbury and York are to be assumed by a foreign Power? And are we to stand quiet and hear it said that the Pope created these sees, and that, consequently, the Pope has the right to destroy them? It is to this usurpation—this encroachment on the laws of this country—that we object, and not to the enjoyment of civil and religious liberty by our Roman Catholic fellow-subjects. It is, I repeat, against this encroachment on the rights and prerogatives of the British Sovereign and nation that we feel ourselves called on to protest. We have been told that we are taking a step backward; but we have the consolation of knowing that in adopting the Amendments of my hon. and learned Friend the Member for Abingdon we have the authority of the Government that we have not made the Bill more penal, while we have the assurance of the right hon. Member for Oxford University that we have made it more efficient. I will only add that I rejoice the Amendments are carried, and that at length we have a Bill that will be effective, and that will meet the joint wishes of the people of this country, while it will not interfere with the exercise of the Roman Catholic religion.

Lord HARRY VANE admitted the inexpediency of reviving the discussion upon the Bill. He agreed with the right hon. Member for Ripon, that while the Government was in the hands of the noble Lord, there was no danger the measure would be misapplied; but upon him would fall the responsibility should his successors in the Administration of the country abuse its powers; but the confidence he felt was inspired by the belief that such was the feeling of the country and the spirit of the age, so firmly and deeply were rooted the principles of religious liberty, that the Bill itself would be totally inoperative. He believed that the character of the Bill would not be materially changed by the alterations which had been made in it, and that no Ministry would be found to put it in operation. He spoke as a staunch Protestant, and as one firmly attached to the Established religion; and his opinion of religious liberty was that the fullest development of every religious faith ought to be allowed, and that any measure which tended to interfere with that liberty ought to be repelled by the House. The noble Lord said the test of the measure was whether it interfered with the religious liberty of the Roman Catholics or not, and that he believed it did not; but when he (Lord H. Vane) found a large body of Roman Catholics entertaining a contrary opinion, he thought there was some degree of presumption in their favour. He had confidence, however, that this country would soon return to a more reasonable state of feeling than had existed for some time past; and the good sense of the people would prevent this measure being carried into operation in a manner injurious to the liberty of the Roman Catholics.

Mr. FARRER said, he also trusted that this Bill might be virtually inoperative, and that there would be no necessity for calling it in operation. The hon. Member for Mayo said the measure was impertinent and impracticable. He thought the measure was, at all events, pertinent, and with respect to its impracticability, he had only to hope that the good sense of the Roman Catholics would lead them not to test it. He expressed his humble thanks to the noble Lord at the head of the Government, who had introduced a measure which, although it might fall short of some points that might be desirable by warmhearted Protestants, would yet, he thought, be effectual in repressing the measures which had created so much alarm.

MR. SIDNEY HERBERT did not rise to protest against the measure being disposed of; but, after having listened to the discussions in Committee, having heard so many and such various statements from authorities upon both sides of the House, he was unable to form a clear conception of what the measure really was. Two Amendments had been passed that evening, which had, no doubt, materially altered the character and complexion of the Bill; and he lamented the difficulty under which the learned Solicitor General felt himself placed when he had first to argue that the Amendments were so dangerous that they ought to be resisted, and afterwards that they were of slight importance, and that the Government might retain the Bill with them. In the discussions on this subject, objection was made on the ground of the precipitation with which the measure was introduced by the Government, and without their being aware of the extent to which they were legislating. It might be recollected that early in the Session, when the Bill was first reading, a speech had been delivered by Lord Stanley in Merchant Tailors'-hall, and upon that occasion the noble Lord used the following words:—

> "I would have proceeded, in the first instance, either by resolution or by address, or by a declaratory Act directed against that particular instance of aggression on the part of the Pope which was felt to be at once an aggression and an insult to this country. But I added further, that the course of policy which was indicated in the Papal Rescript might require that the subject should be deeper looked into, might require that the relations of Roman Catholic subjects of this country, to this country, and to the Papal see, should be carefully and diligently investigated, and that on so large a branch of the subject, involving so many delicate and difficult questions, it was not desirable to proceed hastily and rashly, to hold out threats which we were not able to execute, and to show resentment which we were not able to carry into effect. On that large question I desire that there should be no hasty legislation—that there should be an immediate reply by Parliament to the insult which had been offered to us, but that subsequently a full inquiry should be made upon the subject, which would place our Roman Catholic fellow-subjects in a position that would not only secure and extend their civil rights, but that would secure to this country, be it Protestant or be it Roman Catholic, the independence of its temperal concerns from the control of any ecclesiastical hierarchy, or from subjection to any foreign Pontiff. Some have supposed that I proposed that the question should be waived for two years. What I said was, that such an inquiry, even if it was to occupy the whole of one Session, or of two Sessions, would be less dangerous and hasty, and passionate and rash, and a more effective mode of legislation. I know not the course Her Majesty's Government now intends to pursue; but I know that, in introducing this measure, Lord John Russell laid a basis broad enough for an Egyptian pyramid, wide enough to repeal not only the Act of 1829, but to renew the penal code, and that upon this mighty foundation a superstructure was reared of microscopic dimensions, a superstructure which has excited contempt not unmingled with irritation; and, microscopic as the measure was at first, it is now to be more microscopic still."

He entirely concurred in those opinions of the noble Lord as to the measure introduced by the Government, for they were sound and statesmanlike opinions; they were those of a man who, having been himself a Minister, knew the difficulty of governing a country. He (Mr. S. Herbert) was glad to have that opportunity of assenting to these opinions, because of their intrinsic worth, and because also the station and position of the noble Lord made every word that fell from his lips of the utmost importance. A noble Lord had said that the Bill was a persecution or a nullity, and the Solicitor General had said that this was not a persecuting, though it might be a vexatious measure. It could not be more correctly described. He could not say he thought it a wise or statesmanlike course, first to give to a great body of their countrymen full political power, and then to pass a measure which would not suppress them nor diminish their power, but would annoy, irritate, and vex them. He regretted to see this done all the more, because during the whole of this Session the country had looked for something that should enable us to resist the strength of those religious opinions. The time of the House in so doing had been occupied to the exclusion of other far more important matters. He should have preferred, for instance, to see measures introduced calculated rather to prevent the spread of their religions opinions than to coerce the Roman Catholics. What, however, had happened? Last year a measure was proposed as to the abuses denounced by the hon. Member for Cockermouth. A Bill had been brought into the House of Lords, but he understood there was no chance of its coming down to this House in time to pass this Session. The question of Church-rates, one of the sore difficulties of the Church of England, had been shelved. The other night the noble Lord the Member for Worcester brought forward a proposal for spreading the Protestant faith, and the Government oscillated between it and the previous question, because there was no specific proposal, and ultimately assented to the Motion on the condition that no specific proposal should be made; and thus this Bill, useless for its purpose, had stood in the way of real measures for repressing those opinions which were contrary to the faith they held, and which many thought were injurious to the civil interests of the country. It had occupied that ground, and at the same time had deprived the Church of England of that which had been her boast since 1829, that she had stood upon the foundation of her faith, and had not required any system of penal legislation to assist her against those who differed from it.

Question "That the words proposed to be left out stand part of the Title" put, and *agreed to.*

Main Question put, and *agreed to.*

The House adjourned at half-after Eleven o'clock till Monday next.

HOUSE OF LORDS,

Monday, July 7, 1851.

MINUTES.] PUBLIC BILLS. — 1ª Ecclesiastical Titles Assumption; Ecclesiastical Property Valuation (Ireland).

PUBLIC BILLS.—2ª Smithfield Market Removal, *Reported.*—Landlord and Tenant.

3ª Prisons (Scotland); British White Herring Fishery.

FARM BUILDINGS BILL.

LORD KINNAIRD moved, that the House do now resolve itself into Committee.

The EARL of HARDWICKE opposed the Motion, on the ground that it was fraught with danger to the occupying tenant and the remainderman, and moved that it be committed that day six months.

The EARL of LONSDALE seconded the Amendment, on the ground that the Bill would lead to great abuses.

The DUKE of CLEVELAND, in spite of some objections to the Bill, was of opinion that it ought to be committed.

It was also opposed by the Earl of MALMESBURY, Lord BEAUMONT, and the Marquess of SALISBURY.

EARL FITZWILLIAM supported the Motion for going into Committee.

On Question, "That the word 'now' stand part of the Motion,

Their Lordships divided:—Content 18; Not Content 36: Majority 18.

Resolved in the *Negative;* and House to be put into Committee on *this day Six Months.*

JOTEE PERSHAUD.

The EARL of ELLENBOROUGH said, he had given notice a few days ago that he would move for returns with reference to persons committed to, or discharged from, the gaol at Agra, for the purpose of making a certain statement of facts which had come to his knowledge since he last alluded to this subject, with reference to the misconduct of certain magistrates in India in getting up evidence against Jotee Pershaud. If he had understood that the Governor General of India had ordered any inquiry into the circumstances, or even if the noble Lord the President of the Board of Control (Lord Broughton) would give him an assurance that he would order them to be investigated, he would have left the matter entirely in the hands of Her Majesty's Government; but as he could not obtain an intimation to that effect, he felt it his duty to proceed with the statement which, on a former evening, he had declared that he would offer to their Lordships. Without any further preliminary remarks on his part, he said that it was patent on the face of the proceedings that great injustice had been done to Jotee Pershaud. There was ample ground for inquiry in the naked facts of the case, as admitted, and as they were now before the public. In the only paper in India which had taken the part of the Government in these proceedings, he found it averred that—

> "A large number of the native witnesses were declared by the Court to be unworthy of credit, they having been parties to the perjury, subornation of which was charged in the calendar. The chief of these was Muheysh Doss, who, having been sworn to certain facts before the magistrate, in order to establish claims against the Government, afterwards confessed that he had sworn falsely, and, being pardoned, gave a fresh deposition on oath, purporting to be a full disclosure of the truth, in contradiction of his original deposition."

He found also that

> "The Court declared that while there was no power in the law to debar him from being presented, there was also no power in the law to give credibility to what he said."

He also found this statement :—

> "With respect to another witness, Bhowannee, an old man, who in his second deposition had, like the rest, contradicted the first he had given before the magistrate, there was a new feature presented in the case. He did not, as they did, contradict in court his first deposition, but his second; that is, he swore that the first was true, and that he really had supplied the bullocks, which he had 'under fear,' as he now said, denied all knowledge of on the second occasion. For this he was put into custody by the Court, and so remained till the close of the proceedings on the following day, when he was released, on the ground that there was no sufficient proof of perjury; there was ostensible, but not legal, perjury."

He likewise found this statement :—

> "Mr. Lang also took a sweeping objection to the whole commitment; the defendants had never been confronted by the magistrate with any one of the witnesses, and this court could not be made a court of first instance. The Judge in addition brought out that not one of the witnesses for the defence had been examined at all."

Further, it was stated that Mr. Lang

> —"contended against the reception of nearly the whole record—copies occupying the place of original documents, and the signatures in both copies and originals being generally unproved."

What he (the Earl of Ellenborough) had now stated, which formed the principal facts of the case, were amply sufficient, he would not say to justify, but to require the authorities in India, and if they declined, the Government at home, to institute a rigorous and searching inquiry into the details of the getting-up of this case; for it was not a case which had been got up by the solicitors, but by the magistrates of India, and they had used all their strength, influence, and power, to destroy this able but unfortunate man. In his (the Earl of Ellenborough's) view of the case, it was of no importance whether Jotee Pershaud was guilty or not, for there was no security even for an innocent man in a country like India, unless he had a fair and impartial trial. But Jotee Pershaud had had nothing like such a trial. He emphatically asserted that Jotee Pershaud had not had a fair trial, as all the means which the authorities had at their disposal had been employed to withdraw the witnesses on his behalf from his knowledge and control. It became the Government of India, jealous as it ought to be of its character for its own sake and that of the country, to use every exertion to punish all wrongdoing and injustice on the part of its subordinate officers. In England, and in all well-constituted countries, the people looked up to the law for protection, but in India they looked up to the Government; and any dereliction of its duty towards the natives by the Government must be productive of most injurious consequences; and a corresponding good effect would be produced by the intervention of Government to punish its officers for improper conduct. He understood, from information which had been supplied to him from credible sources, that it was not correct to say that the first person who gave information to the Government of these alleged frauds on the part of Jotee Pershaud was in the Commissariat Department. He asserted distinctly and confidently that that person was a convicted felon, just discharged from the common gaol of Agra. It had been further stated to him, that every witness who tendered evidence in favour of Jotee Pershaud had been bullied and abused, and threatened by the magistrates with an indictment for perjury, in case he did not vary the tendency of that evidence; and that, on the other hand, every witness who volunteered evidence against that individual had been gladly welcomed and thankfully received by the magistrates. And he was further told that Jotee Pershaud was himself warned that if, in the necessary prosecution of his own concerns he should dare to leave Agra, he should be dragged back as a common felon, and should be lodged in safe custody. He asserted that these were facts which witnesses could prove. He further asserted that it was only by accident that Jotee Pershaud heard of the accusations which were to be preferred against him, and that when he asked for distinct information as to the nature of those accusations, that information was denied to him. Such being the facts of the case, he now told the noble Baron opposite (Lord Broughton) that, before he left the House that night, he (the Earl of Ellenborough) would furnish him with the name and residence of the gentleman who had given him this information; and, if the noble Baron pleased, he might see that gentleman either to-morrow or the day after, and satisfy himself of the correctness of the facts he was about to detail. He must now inform the noble Baron that the military magistrate at Agra had had presented to him a petition from a person who stated that he was confined in the "compound" of the civil magistrate at the same place; that he had been confined there for several days without any of his relations having been permitted to have access to him; that he had been treated as a criminal; and, further, that he had been threatened with commitment to the common gaol unless he would consent to alter the deposition which he had made in favour of Jotee Pershaud. The military magistrate did not receive that petition, because it was in some respects informal, but he drove in the course of the day to the residence of Mr. Denison, the magistrate. There he saw the person who had sent him the petition, and whom he found in the custody of the police. That man almost threw himself under the carriage-wheels of the military magistrate. He stated that he had then been confined for twelve days, and, furthermore, he declared that he had been dragged to the place after he had made his deposition, in open court, in favour of Jotee Pershaud, and had been imprisoned in the "compound" for twelve days because he would not vary his deposition, and that he had been every day threatened with removal to a common gaol. Of the correctness of that information the noble Baron might satisfy himself whenever he pleased. That man, he said, had been illegally confined during every hour he remained in prison; for the civil magistrate who held him in durance had no authority, no jurisdiction in the district where the man resided; and in this country such a stretch of power would have been visited with heavy damages by any jury to which it was submitted. The military magistrate retired after seeing the man, and after promising that his case should undergo investigation. These facts affected Mr. Denison only; those which he should next relate affected Mr. Gubbins. There was a native banker in Agra, who had no connection whatever with the Commissariat, but through whose house, in the course of business, it happened that some pecuniary transactions between Jotee Pershaud and his agents had passed. That native banker was called before the magistrate—his deposition was unsatisfactory to the magistrate. The magistrate abused him in terms so gross that he sent an account of it to Calcutta, and asked the opinion of Mr. Longueville Clarke, tho most eminent counsel there, whether he could not prosecute the magistrate for defamation of his

character. He did not know in what terms that opinion was couched, but he was given to understand that Mr. L. Clarke was of opinion that an indictment would lie for the language used. That native banker was again called before the magistrate, and was then committed to the common gaol, because he persisted in not varying his original deposition. He was confined in a small cell, and near his sleeping apartment was another, in which he was compelled to perform the offices of nature—an abomination and impurity intolerable to every Hindoo. That respectable man—for a respectable man he certainly was—was only at last relieved from this indignity in consequence of a petition of his having been presented to the Supreme Court at Calcutta by a Mr. Stowell, who was the first English merchant residing at Agra. In that petition all these facts were stated, and that petition could easily be obtained by the noble Baron. A Mr. Pell was also cognisant of all the circumstances of this case. These were all facts; "and there,"—said the noble Earl, tossing over an envelope to Lord Broughton—"there is the name of my informant. I ask for inquiry, and for nothing but justice in that inquiry. It is necessary to the character and security of Government in India, that wrongs like these should not be inflicted on our subjects there with impunity, but that they should be fully investigated to the bottom, in order that the wrongdoer, if wrongdoer there is, should be punished." The noble Earl concluded by moving for

> "A Return of the Names of all persons committed to or discharged from the Gaol of Agra between the 11th of March and the 7th of November, 1850; specifying in each case the Magistrate by whose authority each such commitment or discharge took place, together with the grounds, if any, assigned for the same in the warrant."

Lord BROUGHTON said, that he could not but submit, both to their Lordships and to the noble Earl opposite, that the noble Earl was placing the Government in India, and the authorities against whom he preferred such grave accusations, in a position which he (Lord Broughton) must say was scarcely fair; for he had himself informed the noble Earl that he had not yet received any official information which would enable him to say either "yes" or "no" in reply to his (the Earl of Ellenborough's) statement. He told the noble Earl further that these accusations, coming as they did from an eloquent individual, who had once wielded the highest authority in India, ought not to be made on the vague authority of any newspaper or any private individual, unless that individual, by avowing his name and station, was ready to incur all the results and consequences of giving wrong, and, it might be, false information. He repeated once more that he was in a position which would not enable him to answer the noble Earl's statements, and the noble Earl was aware of it. But he said that, as the noble Earl's former charges against the Government of India had turned out to be totally unfounded, so he presumed that the accusations which he now made would also want some of that authority which the noble Earl had so gravely attached to them. What was the charge made against the Government in the outset—a charge which the noble Earl did not venture to make in that House, because he knew that it must be instantly refuted? It had been stated that the Indian Government had endeavoured to stop the civil suit of Jotee Pershaud against it to get what was due to him, by instituting criminal proceedings against him, which they knew to be unfounded. Now the effect of that charge had been stopped, by showing that the criminal proceedings were instituted before civil action was commenced. The noble Earl had then indulged in a passionate vein of declamation against the outrages which he said were committed in the zenana of Jotee Pershaud, and had even gone so far as to allege that the authorities had torn a ring from the nose of his wife. He thought he might venture to say, emphatically, "That accusation is not true;" for when Mr. Lang conducted the defence of Jotee Pershaud—a defence which was not conceived in any moderate spirit, or in any very measured language—he did not venture to repeat in court that charge, although he had made that charge in the newspaper of which he was the proprietor, in similar, though not in the same, language as the noble Earl opposite. All that Mr. Lang stated in court was this, that when an inventory was produced of Jotee Pershaud's goods, in that inventory was found the nose-ring of his wife. The noble Earl had said in his speech that that ring had been positively taken away; but that was certainly not the fact. As neither that charge, nor any other of the charges now preferred by the noble Earl, was alluded to in Mr. Lang's defence, he could not help inferring that the charges preferred by the noble Earl were equally unfounded. He did not say that they were positively unfounded, for he had no information. But the noble Earl was so eager to bring forward his charges that evening, that he did not even wait for his reply to his (the Earl of Ellenborough's) preliminary question. If the noble Earl had not been so impetuous, he would have heard the information which he now gave him, namely, that he (Lord Broughton) had already written to India, directing an inquiry to be made into all the circumstances of this extraordinary case. The noble Earl had said that if he could have an assurance from him (Lord Broughton) that an inquiry would be instituted into this case, he would not make his grievous accusations; but he did not wait to see whether or not he would give him that assurance. He did not like to interrupt the career of the noble Earl's eloquence, and he was now very glad that he had not done so. Had it been in the House of Commons, he should have interrupted the noble Earl in less than five minutes from the commencement of his speech. The noble Earl had told them that the rumours to which he had formerly alluded were facts. Now, if the noble Earl would only have the goodness to look at the speech of Mr. Wylly, the counsel for the prosecution, he would find that several of his pretended facts had already received a decided contradiction: and these facts were brought as charges against the Indian Government on the authority of some nameless informant, who declined coming forward in his own proper person, and whose name had just been transmitted to him in a private note by the noble Earl, which he had not opened, as he cared nothing for the information of so irresponsible a witness. It was not, in his opinion, at any time a gracious task on the part of any person returning from India to furnish on his first arrival matter of attack on the Government of which he had been a servant, and of which he ought to be the faithful servant. He did not mean to say that if there were malversation or maladministration on the part of the Company's servants in India, the mouths of its servants were to be, as it were, hermetically sealed; but it was not usual, when persons in official situations in India were attacked, to bring accusations against them when their official defenders were without means of offering either refutation, or palliation, or the grace of confession, if anything illegal had been unintentionally committed. He must also inform the noble Earl that he was quite mistaken in supposing that only one newspaper in India had taken the part of the Government in these transactions. He held at that moment in his hand the *Bengal Hurkaru*. The editor of that journal was commenting on the evidence produced in the course of these transactions—in which Jotee Pershaud was the participator, if not the principal; and this was the language he used:—"They were parts of one gigantic system of knavery." He then proceeded as follows:—

> "The honest and disinterested endeavours of the Government officers in their researches into gross and notorious malversations have been met by opposition such as is rarely found in even this country, where justice never strikes down the wealthy culprit until all the weapons of intrigue, perjury, intimidation, and corruption have been fairly worn out in his defence. . . . . His friends and advisers have even presumed, perhaps unwisely, to threaten officers of the military and civil services, who could not protect, or who dared to attack him. A patient and fearless inquiry has, however, elicited convincing evidence, and that evidence has all been obtained from sources which, had the accused been honest or guiltless, would have been the most available means for their defence."

That came from another newspaper; and he ventured to affirm that that newspaper gave as fair a representation of these transactions as any that had been made by the noble Earl opposite, or by any of the friends who had instructed him. Now, what was the character which the advocate of Jotee Pershaud gave of Hindoo witnesses, and of Hindoos in general, including, of course, his own client? Mr. Lang, the advocate of Jotee Pershaud, said—

> "We must take the natives of this country as they are; we must not make war upon human nature. Do any of us think worse of a native for telling us deliberate lies? None of us have any reason to do so. And why? Because among them—even the most honourable of them—mendacity even of the gravest character involves no species of criminality or disgrace?"

Non meus hic sermo; it was what Mr. Lang, the advocate of Jotee Pershaud, said, when talking of the character of those persons of whom his client was one; and, therefore, could their Lordships be surprised that if in the transaction to which the noble Earl alluded, one witness on a certain occasion gave one kind of evidence, and on another occasion gave another kind of evidence? If any persons were sufferers from this prevarication, it was the prosecutors; for, as the noble Earl knew, Jotee Pershaud got his acquittal; and he begged to inform the noble Earl, that if there was any reason to complain of partiality, the charge on that head attached, not to the prosecution, but to the other side, for, on looking over Mr. Wylly's speeches, he found that gentleman said—

> "Before the proceedings of the Court open this day (April 3), I have a duty of much importance to perform. It is to record my protest against the course pursued by the Court yesterday in several most important respects. I complain, first and generally, of the great departure from the usual procedure of this country which has marked the conduct of the Court; secondly, of the injurious hurry with which the most important facts and witnesses are hurried on in review before the Court, without allowing time for those important facts to which they testify being duly grouped and weighed."

This was the complaint of the gentleman connected with the prosecution; and if their Lordships looked to the records of the whole proceedings they would find that throughout there was manifest appearance of the greatest fairness to the person accused, and they would, he thought, agree with the gentleman he had just quoted, that the leaning was decidedly against the prosecutor. If the statements of the noble Earl were correct, of course the persons alluded to by him ought to be punished; but the noble Earl the other night reduced the delinquency pretty much to an error of judgment, and that, of course, ought not to be visited with such condign punishment as the noble Earl seemed to call for. Considering the vastness of the empire we administered in the East, and the number of officers engaged in its administration, it was but seldom that any great extent of delinquency took place; and when cases of that nature did occur, they were almost always inquired into, and real delinquency, when proved, was punished. He could assure the noble Earl that, in respect to the matter he had brought under the notice of the House, inquiry would be made, and information would be asked for with an anxiety equal to the noble Earl's, to elicit the truth.

The EARL of ELLENBOROUGH observed, that at the commencement of his address he distinctly stated, that if he received assurance that inquiry had been or would be made into the circumstances, he would not trouble their Lordships with any observations; and he reminded the House, that a fortnight ago he postponed a statement on the subject, under the idea that possibly news might be received from India to the effect that the Governor General had ordered an inquiry. But, if neither the Governor General nor the noble Lord instituted a searching inquiry into the facts of the case, he should then have a charge to make against both. He regretted that the noble Lord had spoken as he had done in reference to a gentleman to whom he (the Earl of Ellenborough) had alluded. He was quite sure that that gentleman had not gone beyond the limits of his duty in communicating the information. He begged also to say that his statement did not rest on the authority of newspapers, but on that of most careful informants, and of letters from Affra, and upon the personal knowledge of persons whose names he would mention to the noble Lord.

On Question, *agreed to;* and ordered accordingly.

SMITHFIELD MARKET REMOVAL BILL.

Earl GRANVILLE, in moving the Second Reading of this Bill, referred to the numerous inquiries and propositions which had been made in reference to Smithfield market during the present century. In 1809 the Government had expressed an opinion against it; and in 1828 the butchers of London had memorialised against it. It therefore could not be alleged that in proposing the Bill now before their Lordships, the Government had not acted with due deliberation. The last Parliamentary Committee of Inquiry unanimously recommended that the Government should take on themselves the duty of removing the nuisance. Upon that recommendation the Government acted, and appointed a Royal Commission composed of persons of different political opinions; and the Bill which he now proposed to be read a second time was founded upon the report of that Commission. The Bill was one which did not require much explanation. It proposed the appointment of a certain number of Commissioners charged with the duty of procuring a site for a new market in the suburban districts, and of slaughterhouses, if necessary, connected with the market; and also empowered the Commissioners to raise money under certain restrictions, to appoint officers, to make certain bylaws, &c. There was also a clause in the Bill which must remove all ground of complaint on the score of grievance on the part of the City of London, for by that clause it would be competent for the City of London, within six months after the passing of the Bill, to undertake all the functions connected with the management of the new market. Not anticipating any great opposition to the second reading of the Bill, he would content himself with saying, that though the passing of the Bill might, as was inevitable in effecting these great changes and improvements, inflict some injury on certain persons connected with the present Smithfield market, yet it would enhance the value of the property in the neighbourhood by removing a nuisance from which the regular course of trade suffered. The Bill, by providing for the establishment of a large market in a suburban spot, would remove from a part of the town in which the population was most dense, an intolerable nuisance necessarily accompanying a cattle market situated in the heart of London. It would be surprising if, in the present advanced state of civilisation, a cattle market should be retained on its present site, which was selected for that purpose more than 500 years ago, when London was so much smaller than now; and if it should be longer permitted that droves of cattle should be driven by day and by night through the most populous streets, to the danger and alarm of all passers-by, and giving opportunity for scenes of disgusting cruelty which must have the worst effect on the population. In removing the market, he believed that they would get rid of this great amount of evil, afford greater facilities to the graziers and dealers, and also enable the consumers in this metropolis, amounting to above 2,000,000 of persons, to obtain meat of a much better quality, as, in consequence of the insufficient room in Smithfield, and the cruelty the drovers were obliged to resort to, the cattle now suffered great deterioration.

Bill read 2ª (according to Order), and *committed.*

THE ECCLESIASTICAL TITLES ASSUMPTION BILL.

The Marquess of LANSDOWNE moved the First Reading of the Ecclesiastical Titles Assumption Bill, and said that as he wished their Lordships should have due time for deliberation, he proposed that the Bill should be read a Second Time that day fortnight.

Lord MONTEAGLE said, he felt on all occasions that the rules of that House were not only binding in authority, but were founded on good sense, and he believed that it was not customary to oppose the first reading of a Bill which was sent up to their Lordships' House from the other House of Parliament. This rule had rarely been set aside, and he was not aware it had ever been done by their Lordships. At the same time, however, the present

Bill was of so irritating a character, at least in that part of the empire with which he was most closely connected, that he wished the fact to be distinctly understood, that the principle of a measure ought not to be considered as affirmed by a first reading. For his own part he begged that he might not be understood to approve of the Bill, as extending to Ireland, and as amended by Sir F. Thesiger. Though the title of the Bill had not been changed since its introduction, its enactments had been materially altered, during its progress through the Commons; and that had been done against the will of the Government, so that he could not now clearly understand who were the real fathers of the present measure. The Bill, as originally introduced, was framed for the purpose of repelling an aggression against which their Lordships had received many petitions; and he was inclined to concur generally with the petitioners in their complaints, though not in their demands, nor in the tone of their remonstrances. If the Bill had been limited within its proper bounds — the resisting an unjustifiable aggression, there could not, and ought not, to be much reason to complain. But looking at the Bill as it now came before their Lordships, he could not but condemn it, moved, as it was, to his unfeigned regret, by Her Majesty's Government, though many of its provisions had been given a force and an agency much stronger, and bearing upon much more sensitive interests, than had been affected by the Bill introduced by the Government—Amendments were adopted which had been resisted by the Government — the Bill to a great extent being carried by repeated divisions against them. Another large party had objected to any Bill at all; and a noble Lord (the Earl of Derby), whose absence, and the cause of it, they must all regret, had recommended another and a far preferable course of proceeding. Although he differed from some of the propositions laid down by the party in the other House represented by Sir James Graham— [*Cries of* "Order!"] He contended that he was quite in order. Who had ever objected to designating, as such, the friends of Fox, or the party of Canning? His object was to prove that the Bill had no real friends, and was not supported by any great party in the State. He begged to impress on their Lordships that the present Bill was not the measure of the Government as

originally introduced. It had been altered in every essential point. The Bill was introduced upon the sole ground of repelling Papal aggression; but it had been fatally framed so as to affect a part of the empire to which that aggression did not apply; and from being a Bill purporting to prohibit the assumption of ecclesiastical titles, it was converted into a measure going much further, and would now very justly be considered to restrain and fetter religious freedom, and to cripple the government of a hierarchical Church which the Legislature had recognised, and which was the Church of one-third portion of the people. He (Lord Monteagle) had been one of the first who had expressed his ready determination to resist the aggression which had taken place; but this was no justification for this Bill; and knowing well the alarm and excitement which would be produced in his country by a measure like the present, he wished it to be understood that, in consenting to the first reading, and thus showing every respect for the House of Commons, who had sent up the Bill, he implied no respect whatever for the Bill itself. He would take this opportunity of asking whether the Government had any objection to lay on the table of the House a Copy of the Address from the Bishops of the Roman Catholic Church exercising episcopal functions in Ireland, to Her Majesty, respecting any measures proposed to be adopted in relation to the Papal Rescript purporting to erect certain sees and ecclesiastical titles in England; and also, whether it was the intention of the Government to lay on the table of that House any despatches from the Lord Lieutenant of Ireland on the subject of the legislative measures consequent on the Papal Rescript purporting to constitute sees in England?

The MARQUESS of LANSDOWNE said, he did not rise for the purpose of replying to the observations of the noble Lord. The fitting time to enter upon such discussion would be upon a proposition for adopting this Bill, which they were now merely receiving, in order that their Lordships might be enabled to put themselves in possession of its provisions. With respect to the question of which the noble Lord had given notice, there could be no objection to produce the Address to which he alluded: he could not, however, lay upon the table of the House any communication from the Lord Lieutenant of Ireland on the subject of the measures to be adopted consequent to the Papal Rescript, because there had been no official communication from him upon the subject.

Bill read 1ª.

THE CHARITABLE BEQUESTS ACT.

The Duke of ARGYLL said, he was about to propose a Motion, of which he had not given notice, but it was one to which he thought no objection would be offered, as it appeared to him that the information he sought would aid in preparing for the argument upon the measure which would in a short time occupy the attention of their Lordships. Some years ago the Charitable Bequests Act was passed, relating to bequests which might be made in Ireland to the dignitaries of the Church of Rome. It was known that in the bequests which had been from time to time made on behalf of the clergy, their titles had been used; and as the Bill of the Government affected the validity of those titles, it would be expedient to ascertain whether the bequest would be also invalidated by the use of those titles. He understood that there was a return of the bequests that had been made under that Act, and he would now move for a return of every devise or bequest which had been made under the Act he had referred to, with the names of the testators, and the names and designations of the persons to whom the bequests had been granted since the month of January, 1849. The object he had in view was to put their Lordships in possession of the exact denomination that had been used towards the Roman Catholic prelates, and of the extent to which titles having a territorial character had been recognised in Ireland by the law.

The LORD CHANCELLOR was disposed to doubt whether the noble Duke would, by the means he proposed, ascertain how far any bequest had been received legal sanction. The mere fact of a will having been proved would not be sufficient, unless some law proceedings had been taken thereupon.

The Duke of ARGYLL understood that questions had arisen in the law courts of Ireland whether a bequest was legal or illegal which had been made to a Roman Catholic bishop under the designation of a territorial title, which was illegal by the existing law. He did not mean to say that decisions had proceeded upon the illegality of the title.

Lord CAMPBELL said, that probably the title would be merely considered as the *designatio personæ*, and if the purpose of the bequest was lawful, there was no doubt that the legacy would take effect, though it might be unlawful to assume the title used.

The Motion was then agreed to.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 7, 1851.

Minutes.] New Writ.—For Knaresborough, *v.* the Hon. William Sebright Lascelles, deceased.

Public Bills.—1° Militia Ballots Suspension; Turnpike Acts Continuance; Patent Law Amendment.

2° Stock in Trade; Loan Societies; Turnpike Trusts Arrangements.

INHABITED HOUSE DUTY BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

Clause 1.

Mr. EWART moved to insert at the end of Clause 1 the following words:—

> "And be it enacted, That stories of buildings (as in the case of model lodging-houses, or of flats, as in Scotland), or parts thereof, occupied as separate dwellings, and assessed separately to the poor-rate, shall be held to be inhabited dwelling-houses under this Act, and shall be subject to the same liabilities and exemptions as are, with regard to inhabited dwelling-houses, in this Act, and the schedule thereto annexed, provided."

It was unjust to make a distinction, as was done by this Bill, between those apartments of the poor which were built horizontally, and those that were built vertically. If a society for improving the dwellings of the working classes should lay out their money upon houses for the poor that were of less value than 20*l.* per annum, they would be exempt from the house tax; but if they built them apartments in which stories rose above stories, although the rent of each set of apartments was under 20*l.* per annum, they would be liable. About 2,000 persons were lodged in the houses of the societies for improving the dwellings of the labouring classes in London, and he was glad to hear that model lodging houses were about to be built at Ramsgate and Brighton. At Birkenhead 350 persons were lodged in this manner, and these houses would come under the operation of the duty, which would operate very prejudicially to those establishments.

Mr. HUME thought the principle of the house tax much preferable to that of the window tax, which was greatly objectionable on account of its many exemptions. The exemption, however, of houses under *20l.* rent from the proposed operation of the Inhabited House Duty Bill, was in his opinion most unjust, and would open the way to every species of evasion. He had a notice on the paper to extend the tax over all houses down to *40s.* rent, but he found he could not submit that proposition in the Committee on the Bill, but must ask the House, at some other time, to resolve itself into a Committee of the whole House to consider the proposal. He hoped that the Government would have learnt enough to adopt his principle. The house tax was a tax upon property, and should be made as general as possible, no exemptions being allowed. It was a tax which they could raise or lower without altering the machinery of collection, which was a great advantage. He thought the time was coming when taxation and representation ought to be joined together more closely than they had been. He could not divine what improvement in the franchise was to take place next year, unless it were an extension to a considerable degree, founded on some basis of taxation such as they set an example of in the Bill of last year for Ireland.

Mr. SLANEY said, that the plan for carrying out the project of better houses for the humbler people in the great towns in these realms, was only just in its infancy, but they had every reason to hope it would go on increasing. The difficulty hitherto had been that no man could subscribe to or take shares in these undertakings without being liable to his last shilling for the expense. The ground upon which there should be exemptions in respect of the dwellings of the humbler classes was, that a man with *50l.* a year paid more towards the taxation of the country in proportion than a man of *250l.*; and so a man with *250l.* a year ~~more~~ than one with *500l.*; and he therefore hoped the right hon. Gentleman would, if possible, relieve from the burden of this tax that class of dwellings to which the hon. Member for Dumfries (Mr. Ewart) had referred, and which he trusted would very much increase in number in a few years.

Mr. ALEXANDER HASTIE had taken the trouble to ascertain the effect of the measure upon the city with which he was connected, and he found in Glasgow alone that there were upwards of 3,000 persons who did not contribute to the window tax, but who would have to pay the Inhabited House Duty. He was quite satisfied that in every other borough in Scotland a similar state of things would be found to exist; and so far from the measure affording relief to that country, it would materially increase the taxation of many districts within it. If the tax were made a universal one, that would be a different matter; but he hoped that if the right hon. Gentleman the Chancellor of the Exchequer meant to maintain it on the footing proposed, he would accede to the Motion.

The CHANCELLOR of the EXCHEQUER said, he would not go into the much larger question alluded to by the hon. Member for Montrose (Mr. Hume). He quite agreed with him that exemptions of any kind invariably led to great frauds and evasions; and if he had been imposing a house tax for the first time, and not as a commutation for the window tax, he should have felt disposed to adhere to the principle which the hon. Gentleman had laid down. With reference to the extension of the franchise, he would also state that, without committing any body else, his opinion was very much the same as animated the hon. Gentleman, namely, that the payment of this tax was the best mode of regulating it that could be applied. He considered that it was advisable to resist exemptions now, because if they were once granted, it would be impossible to repeal them; while, on the other hand, if the exemptions were found to be necessary, they might afterwards be introduced, and the propriety of introducing them might be considered in another year. His hon. Friend (Mr. Ewart) must be aware that if the flats were different properties, they were exempt; but they were liable if they belonged to one proprietor. Applying his hon. Friend's argument about horizontal and vertical divisions of a house, it was obvious that the latter had as much right to be excused as the former; and so if a person rented two or three times one above the other, they too must be exempted. If they once gave up the principle that a house was a house, they would soon find few in which some portion would not let as lodgings, and so they would escape the tax altogether. If the clause as it stood on the paper was objectionable, that actually proposed was much more so, for it exempted all portions of houses that claimed to be rated; and if that were agreed to, he might just as well bid good-bye to his tax at once. The plan he had adopted was, he was convinced, a sound one, namely, to take a low rate of duty, and allow no exemptions whatever; and he hoped that if the House maintained the tax as it was, it would lead to no very serious frauds. For the information of the hon. Gentleman (Mr. A. Hastie), who did not think that Scotland would derive much benefit from the alteration, he could state in conclusion that the amount which the window duty in Scotland yielded was about 130,000*l.*, whereas the estimated produce of the house duty was 50,000*l.*, showing a saving to Scotland of 80,000*l.*

MR. DUNCAN said, that there would be a great inequality in the operation of the tax in Scotland, owing to peculiar circumstances connected with property in that country, which it was difficult to explain to hon. Gentlemen unacquainted with Scotland.

SIR GEORGE PECHELL agreed with the hon. Member for Montrose (Mr. Hume), with respect to the non-exemption of any class of houses, for the sooner every householder had to pay the tax, the sooner would a good agitation be got up against it. He was opposed to the tax every way, and although he was not one of the metropolitan Members, who had been charged with threatening to stop the supplies, his constituents were no less interested in the total and unqualified repeal of the window tax; and, therefore, as he had undertaken to represent them, he could do no other than express his opinion decidedly against any impost whatever in lieu of that tax. The hon. Member for Montrose had recommended measures that would render unnecessary not only the house duty, but many other taxes. He begged to ask the right hon. Chancellor of the Exchequer how the valuation was to be made, whether upon that for the poor-rate, or on that for the income tax?

MR. W. WILLIAMS hoped that as the Chancellor of the Exchequer had expressed his concurrence in the views of the hon. Member for Montrose, and had promised to reconsider the subject next year, he would abandon this tax altogether for the present Session; for he (Mr. W. Williams) was convinced that from the present state of the revenue, the right hon. Gentleman would find it unnecessary.

MR. PACKE regretted that the forms of the House would not allow him to bring forward his Motion for extending the operation of the tax to houses of 10*l.* instead of 20*l.* rental; however, when the hon. Member for Montrose moved his Amendment at the bringing up of the Report, he would then introduce it.

MR. HEYWORTH said, he must urge the importance of doing justice to the poor; for, though the course of legislation for the last few years had been to reduce the amount of indirect taxation which they paid, they were still more heavily taxed than the rest of the community.

MR. DISRAELI would wish to offer a few remarks, if the important declaration which the hon. Member for Lambeth (Mr. W. Williams) said was made by the Chancellor of the Exchequer had really been made—that the right hon. Baronet had really engaged to examine into the whole question of the house duty next year, and to reopen the whole matter.

MR. W. WILLIAMS: I said, that the right hon. Gentleman had assented to the principle that the tax should be made general, and had intimated his intention to consider the subject next year.

The CHANCELLOR OF THE EXCHEQUER: These are the hon. Gentleman's words, not my own.

MR. DISRAELI said, he was sorry he had not succeeded in eliciting a definite declaration from the right hon. Gentleman, as the country could not console itself in the present financial position in which it found itself, with the communication that had been announced by the hon. Member for Lambeth. If the right hon. Chancellor of the Exchequer had made that declaration, he (Mr. Disraeli) should not have troubled the House then or on a former evening. He considered the Bill before the House to be extremely injudicious and impolitic; and he regretted that his hon. Friend the Member for South Leicestershire (Mr. Packe) was prevented from bringing forward his Amendment, because the effect of that Amendment would have secured a revenue from the house duty at least equal to what they gave up for the window duty; and that was the right principle on which they ought to act. The great object he wished to attain in asking the House to assent to the Resolutions he moved on Friday, was to effect those alterations in the present taxation that were considered politic, at the same time that there should be no material loss to the revenue. It was on that ground that he had entertained, and still entertained, the opinion that, in adjusting the house duty, they ought to have obtained, not a partial, but complete compensation for the window duty; and he thought that of greater importance, as they would not then have been tampering with their resources, and wasting the window tax. His hon. Friend, however, was precluded by the rules of the House from bringing forward his Motion at the present time, and therefore he did not see much chance of the House taking that more salutary course which he hoped would have been adopted. But, if direct taxation was doomed to be a more important feature of their financial system than it had hitherto been, he hoped it would be understood by the country—as he believed it would be before another year—that the principle of direct taxation must be the same as the principle of indirect taxation, and that it must be general.

Amendment *negatived.*

Clause *agreed to;* as was also Clause 2.

Clause 3.

Mr. ALEXANDER HASTIE moved an Amendment to exempt certain public buildings, respecting which disputes arose in consequence of a person residing in the premises for the purpose of taking care of them.

Amendment proposed—

> "In page 3, line 3, after the word 'That,' to insert the words 'no Church, Chapel, or place used for public worship, that no College, Museum, School House, Lecture Room, Public Library, or place set apart for educational or scientific purposes, and that no Court House, Police Office, Prison, City or County Offices."

Mr. WILLYAMS said, he had an Amendment on the paper, after the word "that" to insert these words—

> "No person shall be assessed, or liable to be assessed, to the said duties in respect of any lands, houses, or buildings, or parts of houses or buildings, belonging to any society instituted for purposes of science, literature, or the fine arts exclusively, either as tenant or owner, and occupied by it for the transaction of its business."

He was willing, however, to let his Amendment share the fate of the hon. Member's (Mr. Hastie's) proposition.

The CHANCELLOR of the EXCHEQUER said, he must oppose the Amendment. Buildings not inhabited would not be liable to the duty, and if the buildings were inhabited they should be charged.

Question put, "That these words be there inserted."

Mr. Disraeli

The Committee divided:—Ayes 40; Noes 164: Majority 124.

Mr. W. WILLIAMS then moved that after the word "that," the words "all houses not liable to be assessed to pay duty on windows shall not be assessed or liable to be assessed to the said duties." The right hon. Chancellor of the Exchequer had stated that his object was to afford relief from the window tax. Now it happened that in all the large towns (and this was the case in the borough which he represented to a considerable extent) a great number of houses would become chargeable to the new house duty which had not paid to the window tax. This seemed to be contrary to the principle laid down by the right hon. Gentleman.

Mr. COWAN said, that in Edinburgh no fewer than 2,000 houses, principally inhabited by artisans and clerks, which had been free from window tax, would be liable to the house tax. He knew it might be said that this showed the unjust mode in which the former tax had been imposed; but, nevertheless, the proposal of the right hon. Chancellor of the Exchequer was felt by these persons to be a strange kind of relief. He thought that no sacrifice of principle would be involved if the right hon. Gentleman yielded on this point.

Sir WILLIAM CLAY thought that it scarcely fell within the scope of a measure whose professed object was a commutation of taxation, to levy an impost upon a class who had, up to the present time, been totally exempt from taxation. The Bill would assuredly have this operation with respect to a very great number of tenements in the borough which he had the honour to represent.

The CHANCELLOR of the EXCHEQUER said, that this Amendment was utterly unsupported by any principle. He had been found fault with for exempting houses paying less rent than 20*l.* a year; but this proposal was that houses above 20*l.* should be exempt, for no other reason than that because they had not hitherto paid duty. Now, he thought, however, that it would be very unjust to exempt a house that paid 30*l.* a year rent, and to tax one which only paid 20*l.* The hon. Member for the city of Edinburgh (Mr. Cowan) had brought under his notice a paper in favour of the proposed exemption, which contained, in reality, the strongest and most convincing arguments in favour of the substitution of a house tax for a window tax. It was stated that a row of houses, paying rents from 30*l.* to 40*l.* per annum, had been built without a single window in the bed-rooms, in order to avoid the window tax. He could see no reason whatever why such houses should not pay the house tax.

MR. WAWN said, that he wondered why those who supported this Amendment did not also propose to exempt from taxation all houses hereafter to be built. Their principle, if it was sound, would go so far.

VISCOUNT DUNCAN appealed to the hon. Member (Mr. W. Williams) not to press his Motion to a division. One of his (Viscount Duncan's) principal arguments when he brought forward the question of the repeal of the window tax year after year was, that architects built houses hardly fit for people to live in, because they desired to put in as few windows as possible in order to avoid the tax. Now no houses would be so much benefited by the repeal of this tax as these very houses, for he believed that in a few weeks after the Bill before the House became law, the adequate number of windows would be put into them.

Amendment *negatived.*

Clause *agreed to;* as were also the remaining Clauses.

MR. T. DUNCOMBE said, he wished to move, as an Amendment, at the end of line 5 of the Schedule, after the word "person," to insert "for professional or educational purposes, or by any person." It was made a complaint against the schedule by many persons in the metropolis that they had taken houses for professional or educational purposes which were much larger than they required for their private occupation; but yet that they were rated at 9*d.* in the pound. They contended that their establishments ought to be placed in the same category as shops, and that they should be rated at 6*d.* His Amendment would include medical men with surgeries attached to their dwellings, solicitors with their offices, schoolmasters, and persons of that class.

The CHANCELLOR OF THE EXCHEQUER said, that this question had been already raised and negatived. If the exemption in this direction were to be carried further than it went at present, it might become almost universal. Medical men, for example, often received their patients in their dining room; was that to exempt the whole house from the 9*d.* duty? It might perhaps be argued also, that a house was used for professional purposes if an old lady were to knit stockings in the drawing room.

Amendment *negatived.* Schedule *agreed to.*

MR. T. DUNCOMBE said, he had now to move the insertion of the clause of which he had given notice. Before doing so, however, perhaps the right hon. Gentleman the Chancellor of the Exchequer would state whether he intended to agree to it; because, if so, he need not trouble the Committee with any observations. [The CHANCELLOR of the EXCHEQUER: No!] No, of course not. Then the right hon. Gentleman ought to be ashamed of himself. The right hon. Gentleman called himself a reformer; but he put it to the Committee whether a more homœopathic dose of reform than this had ever been administered? He wished to make the Government act consistently with their former pretensions about reform. He had taken this clause verbatim from the Income Tax Act, into which it had been introduced by the late Sir Robert Peel at his suggestion. He knew he should be told that this Bill was a mere commutation of the window duty, and that all that belonged to that duty should be transferred to this proposed substitute of a house tax. But if that were so, the law ought to apply in all cases. They proposed to exempt the occupiers of houses under 20*l.* from the operation of this tax, and such parties would, consequently, not be required to pay this assessed tax as a qualification for voting. He should be very glad to hear from the right hon. Chancellor of the Exchequer some reason why a man living in a house at 19*l.* was not to pay this tax as a qualification for voting, while all those occupying houses from 20*l.* upwards would be obliged to do so. The Government were worse reformers now than they were eleven years ago. In 1840, a Bill was brought into that House by Lord Melbourne, intituled, "A Bill for the Registration of Parliamentary Electors." Clauses 24 and 26 of that Bill exempted electors from paying taxes as a condition of their registration. That measure gained the Whigs much *κυδος*, and that they plumed themselves not a little upon it was plain, from the fact of the names of five leading Members of the Government at that time being on the back of the Bill; namely, Lord John Russell, Viscount Palmerston, Sir John Hobhouse, the Attorney General (now Lord Campbell), and the Solicitor General (now Lord Truro).

He conceived that the Government could not consistently oppose this Amendment.

Clause—

"Provided always, and be it Enacted, That no neglect or omission to pay within any limited period, the Duties assessed under the authority of this Act, in respect of any House or other Building, shall prevent any person from being admitted or retained on the Register or List of persons entitled to vote in the Election of a Member or Members to serve in Parliament for any city or borough, or from voting at any such Election."

Brought up, and read the First Time.

The CHANCELLOR OF THE EXCHEQUER did not think that his opposition to the proposition of his hon. Friend would render him liable to any charge of inconsistency. He was not aware that he had ever expressed an opinion different from that which he was about to express. He thought that if people claimed the right of exercising the privilege of voting, the country had a right to call upon them to contribute directly to the expenses of the State before they were permitted to exercise that privilege. His hon. Friend proposed that no payment should be requisite in order to be entitled to be registered. To this he objected. There was no hardship in compelling the payment of a tax in respect of which a man had a right to the franchise. It was a clear principle of joint taxation and representation, that taxes must be paid previously to the enjoyment of the right of voting, under certain reasonable guards. If the right of voting depended on a taxable vote, he could see no reason why the tax should not be paid.

MR. HUME wanted to see household suffrage extended, because the possession of a house was to a certain extent a test of respectability, but he could see no reason why the payment of an assessed tax should form an element in the exercise of the franchise. He thought his hon. Friend was quite warranted in the course he took, by the declarations of the noble Lord at the head of the Government.

MR. T. DUNCOMBE thought the noble Lord at the head of the Government ought to explain the reason why the Government now opposed the alteration he suggested. The reasons the right hon. Chancellor of the Exchequer gave, were the old reasons of the Tory Government, when he (Mr. T. Duncombe) proposed the repeal of the whole of the ratepaying clauses. The public required the repeal of the window tax, entirely and without alloy. He wished for none of the right hon. Gentleman's

system of chicory taxation in this matter; and one of their main reasons for the unconstitutional repeal was, that this obnoxious test would thus be removed, and would no longer be a restriction upon the exercise of the franchise.

MR. BROTHERTON thought the proposition of his hon. Friend the Member for Finsbury a perfectly reasonable one, and, if he divided the Committee, he would support him.

Motion made, and Question put, "That the Clause be read a Second Time."

The Committee divided:—Ayes 60; Noes 119: Majority 59.

SIR DE LACY EVANS then moved the following Clause:—

"That in the case of any premises occupied with a dwelling-house, and heretofore exempt from the rate or duty in respect of the windows or lights therein, and which premises shall be assessed to the rate or duty hereby imposed, it shall be lawful for the occupier of such premises to require that the dwelling-house occupied with such premises shall be assessed at the before-mentioned rate or duty of 9*d*., and thereupon the said premises shall not be liable to any rate or duty."

This clause would exempt manufacturers with large premises, who had been hitherto exempted from the window duty, from the operation of this tax. He thought it but fair and reasonable that such warehouses as coachbuilders, upholsterers, carpetmakers, and others of this class, should be free from the enormously heavy tax which this Bill now proposed to impose on them.

MR. W. WILLIAMS thought it only just to place the proprietors of those warehouses in the same condition in which they were under the window duty.

The CHANCELLOR OF THE EXCHEQUER was of opinion that if they made any such alteration as was now proposed, they would be opening the door to much difficulty and abuse. There were already decisions of the courts of law upon this point, which was raised under the former house duty, and it would be well to avoid doing anything that would have the effect of disturbing these decisions. If these warehouses were part and parcel of a dwelling-house, he did not see how any distinction could be made in respect of them; and if they were separate, they would be exempt by the Act itself.

SIR DE LACY EVANS would not press his proposition to a division.

Clause, by leave, *withdrawn*.

Preamble *agreed to;* House resumed; Bill *reported*.

WOODS, FORESTS, &c., BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

Clause 5, which provides that the Treasury may assign separate duties to each Commissioner.

Mr. HUME wished to know what it was understood the Commissioners were to do as a Board? It was very extraordinary, if there was to be a Board, that each Commissioner was to be responsible for his own acts.

Viscount DUNCAN said, the Commissioners of Woods had been in the habit of transacting their business without the aid of a Secretary. He should like to know if it was intended in future that they should sit as a Board, without a Secretary?

Lord SEYMOUR said, the department of the Commissioners of Woods and Forests would be arranged by the Treasury. He really could not say what that arrangement might be until it had been settled by the Treasury.

Mr. HUME would, therefore, submit that the noble Lord (Lord Seymour) ought not to press this Clause until he could say who were the parties whom the Commissioners might employ, what were their duties, and what their accountability.

Viscount DUNCAN said, perhaps the noble Lord (Lord Seymour) proposed by this clause that the Treasury might assign certain duties to the Commissioners. If that were so, he (Viscount Duncan) was in favour of the proposition. He only wanted to know if it was intended that those gentlemen should act as a Board. He might add that he entertained a strong objection to Boards acting without Secretaries.

Lord SEYMOUR said, the clause gave power to the Treasury to assign separate duties to each of the Commissioners, and to make each individual Commissioner responsible for his own acts. The Commissioners would not sit as a Board, but they would as accountants; and they would be jointly liable for their accounts, though in other respects each would be responsible for his own acts.

Clause *agreed to;* as were also Clauses 6 to 10 inclusive.

Clause 11.

Sir JAMES GRAHAM suggested that after what had occurred on the last night the Committee sat, it would be better to strike out Clauses 11, 12, and 13.

Mr. VERNON SMITH objected to the striking out of Clause 11. The time might come when it would be thought best to get rid of the Commissioners, and to have the business done by the Surveyor General. He wished to leave the Government the option in the matter. His opinion was in favour of what the late Mr. Bentham used to call "single seatedness in office." He regretted on that account that the superintendence of his noble Friend (Lord Seymour) was taken away, who, he thought, ought to have the responsibility of the work as well as of the revenue.

Sir JAMES GRAHAM said, he had a doubt in his own mind as to which course was the best—whether to act through the Commissioners, or through the Surveyor General, and in that respect he should be willing to follow the course which the Government deemed most advisable. It was because he understood the Government preferred the former course that he voted for it on the last night. He objected, however, to leave it in the power of Government to supersede that arrangement without coming to Parliament.

Viscount DUNCAN said, that he agreed with the right hon. Gentleman (Mr. V. Smith) in his remarks with respect to individual responsibility, and with his right hon. Friend (Sir J. Graham) as to not leaving the option in the hands of the Executive Government.

Sir JAMES GRAHAM said, that it became the Committee to pay attention to what they were about to do. By this 11th clause it was optional for the Government to place the management of the Woods and Forests under the management of a Surveyor General. But they should recollect that they had at present two Commissioners of the Board of Woods. If they appointed a Surveyor General, the services of these gentlemen would be no longer necessary, and they might at once proceed to give them a retiring allowance, which would entail an additional expense upon the public. As he, however, stood alone, he would not oppose his individual opinion against the wishes of the Committee.

The CHANCELLOR of the EXCHEQUER considered it was a very different thing to leave it optional with the Government to appoint a Surveyor General, and to say that the Commissioners of the Board of Woods should be dismissed *coute qui coute.* It was very desirable that the Government should have the power specified in the clause, which needed not to be enforced unless the public service specially demanded it. The adoption of the clause by no means necessitated an additional charge upon the revenue.

Clause *agreed to;* as were Clauses 12 to 21 inclusive.

Clause 22, which regulates the duties of the Commissioners in relation to the Royal Parks,

VISCOUNT DUNCAN inquired whether there would be annual estimates of the expenses of the different lodges in the parks?

LORD SEYMOUR said, that there were two classes of lodges—one allotted to the gatekeepers, and the other held by grace and favour. The expense of the former was inserted in the annual estimates; but that of the latter, which was only for keeping them wind and water tight, was defrayed out of the land revenues of the Crown. The occupants of these lodges were obliged to defray all internal and other expenses.

MR. W. WILLIAMS said, he believed that the lodges referred to were splendid mansions. Rumour said that they were furnished at the expense of the public. Parliament ought to have the items of their expenditure in the annual estimates.

MR. TRELAWNY said, a very considerable revenue could be derived from leasing these lodges, many of which would fetch large sums. If this money were added to the revenue, the public would have the advantage of it.

MR. SLANEY considered such a proceeding would be a direct violation of the understanding which had been made with the Crown when the House undertook to defray the expenses of the Civil List. The right to bestow these gifts for distinguished services was retained and vested in the Crown.

LORD SEYMOUR concurred in the opinion which had been expressed by his hon. Friend.

VISCOUNT DUNCAN did not wish by any means to interfere with the grace and favour of the Sovereign. What he objected to was simply this, that the expenses of the park-keepers' lodges should be provided for by an annual estimate, while those of the other class should be defrayed out of the landed revenues of the Crown. He did not see the reason for a distinction.

Clause *agreed to.*

Clauses 23 to 35 inclusive were also *agreed to.*

Clause 36.

LORD SEYMOUR proposed that this Clause should be struck out, in order to substitute for it certain other Clauses that would give a sufficient audit of accounts, according to the suggestion of the hon. Baronet the Member for Evesham (Sir H. Willoughby).

VISCOUNT DUNCAN wished to know what was the nature of the new clauses.

The CHANCELLOR OF THE EXCHEQUER said, his noble Friend need not give himself much trouble about these new clauses, as they had been proposed by the Commissioners of Audit.

VISCOUNT DUNCAN was glad to hear that, which he had not before understood, but still he would like to see the clauses.

MR. W. WILLIAMS thought they ought not to trust any Commissioners, but to examine the clauses for themselves.

SIR HENRY WILLOUGHBY wished to know whether all the receipts and expenditure in reference to the land revenue, putting aside that for works, would be embodied in the accounts as referred to the Audit Board? Whether all the accounts were to be examined and certified, whether they were to have access to all documents and vouchers, and if any errors were found, they would have the power to refer the accounts back to the department, that they might be remedied, and whether they were to have access to all documents and vouchers, and to transmit the accounts to the Treasury when audited, with such remarks and suggestions as they might think proper to make, to be afterwards laid before Parliament?

LORD SEYMOUR said, that in his department of Works there would be no difficulty, as the expenditure was there voted by Parliament; but with regard to the Commission of Woods it was different. He apprehended in that case, however, that all the accounts would be laid before the auditors, and if they were not satisfied and should require further information, they would call for it and it would be supplied; and as soon after the audit as the House met in each year the accounts, as audited, would be laid upon the table of the House.

VISCOUNT DUNCAN said, that when the right hon. Chancellor of the Exchequer asked him to place implicit confidence in the Commissioners of Audit, he could not help informing the Committee of an answer which had been made to him by Messrs. Wells and Dowton, who represented the Audit Commisssioners on a Committee over which he had had the honour to preside. He asked if there was a want of strength in the audit department? The answer was, "Undoubtedly, but not so much in numbers as in persons of business-like habits and experience." There were 145 persons and six Commissioners in the Audit Office endeavouring to do that which 246 persons and eighteen Commissioners had failed to do. The consequence was, that great arrears had accumulated. He did not think it was asking too much to desire to have an opportunity to look at these Clauses when they had been printed.

The CHANCELLOR OF THE EXCHEQUER said, there was no objection to the clauses being seen before they were agreed to, and with that view he would suggest that the clauses should now be received, and the Bill reprinted, when they could be considered on bringing up the report. With regard to the arrears in the Audit Office, he could assure the noble Lord that they had been much reduced since the time to which he referred.

MR. HUME wanted to know whether the same rule did not apply to clerks in the Audit Office as to all the other public offices—that they should have a year's trial before they were engaged?

The CHANCELLOR OF THE EXCHEQUER said, the rule was the same as in all the other offices, and he believed there was not a more efficient board in the public service.

VISCOUNT DUNCAN said, he would not oppose the reception of the Clauses now, but he wished to observe that the annual statement of the Commissioners of Lands, which ought to be laid on the table by the 30th of June, had not yet appeared, and he gave his noble Friend (Lord Seymour) fair notice, that on bringing up the report he would move that that statement should be made never later than the 30th April.

Clause *struck out.*

Clause 37, for saving the rights of parties.

MR. HENLEY wished to know what rights there were to be saved.

The CHANCELLOR OF THE EXCHEQUER said, there was one valuable and important piece of patronage that would be preserved to him—the right of appointing a steward of the Chiltern Hundreds.

Clause *agreed to;* as were the remaining clauses.

House resumed. Bill *reported.*

SUPPLY—THE NEW HOUSE OF COMMONS.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR DENHAM NORREYS rose to move the Resolution of which he had given notice. He said, the fact was quite evident that the Commissioners and the architect of the Houses of Parliament were now at issue as to the mode in which the building should be completed; he, therefore, wished the House itself to step in and decide the manner in which the interior decorations should be finished. It was known that Mr. Barry was said to have gone beyond the instructions he had received from the Commissioners in respect of the decorations of the New House of Commons. He (Sir D. Norreys) might state as a fact, that it was said to be the impression of the Commissioners, and also of the right hon. Chancellor of the Exchequer, that the whole interior of the new House of Commons was to be quite free from colour or gilding; but that Mr. Barry, by some misunderstanding, or possibly by thinking that both the Chancellor of the Exchequer and the Commissioners knew less on the subject than he did himself, had taken advantage of their absence, or of their being asleep, and had commenced decorating the House as he, being the architect, thought it ought to be decorated and completed. But unfortunately he was detected by the Chancellor of the Exchequer, who stopped him in the middle of his operations; and then Mr. Barry, like a child detected in a fault, pleaded that he had not intended going any further with his decorations than he had done. Still, what had been done, was done in spite of the Commissioners. He (Sir D. Norreys) believed that Mr. Barry was right, and that the Commissioners were wrong, and that the Chancellor of the Exchequer also was wrong. His wish was, that Mr. Barry, whom, as their architect, they had allowed to expend 2,000,000*l.* of money, should at least be permitted to lay on the table a statement of the manner in which he would professionally recommend that the decorations should be completed. He did not ask the House to adopt his (Sir D. Norreys') opinion, or the opinion of Mr. Barry, or of the Commissioners. What he desired was, that Mr. Barry should have an opportunity of making such a statement as he had mentioned. If the House, on receiving it, did not agree with Mr. Barry, then it was quite competent for them to pass a resolution that that gentleman should cease carrying out his own views on the subject. But at present, circumstances were in a very unsatisfactory state. On the 14th of April, the hon. and gallant Member for Westminster (Sir De Lacy Evans) brought forward a Motion on the subject; but after a long discussion, the question was left in a most unsatisfactory position. But what was the statement of the hon. Member for Lancaster (Mr. T. Greene) on that occasion? The hon. Member, being one of the Commissioners, said—

> "The Commissioners had to determine upon the decorations, furniture, and fittings, subject to the approval of the Treasury with regard to the cost. He did not wish it to be understood that he said there was an understanding with Mr. Barry as to the ornaments, but that the Commissioners conferred with him on the subject. He thought Mr. Barry did understand; but he was ready to believe that that gentleman was not at all aware what were the wishes of the Commissioners."—[3 *Hansard*, cxvi. 199.]

How was it possible that any gentleman should proceed satisfactorily with his work when, after having had a consultation with the Commissioners from whom he was to receive his instructions as to the ornaments and decorations of the building, those very Commissioners declared that they did not know whether Mr. Barry understood what were their wishes or not on the subject? He (Sir D. Norreys) supposed the conference was similar to a conference between the Lords and Commons, in which certain written statements were exchanged, with mutual bowings, for he was certain no words could have passed between the Commissioners and the architect. The House of Commons had expressed a wish that the new building should be finished in the plainest style possible. But to build a palace in the style of architecture of a particular period, and then, after having proceeded with the decorations of the building in a manner suitable to that style and period, suddenly to stop, was perfectly absurd. It would seem that it was the wish of the hon. Gentleman (Mr. T. Greene) and of his right hon. Friend the Chancellor of the Exchequer, that while the New Houses of Parliament, in their style of architecture should bear the characteristics of the 13th, 14th, and 15th centuries, yet the interior decorations of the building should represent a legislative assembly of the 19th century. If that were the feeling of the House, all he could say was, that nothing was more absurd or more wasteful than the expense incurred for the elaborate work bestowed upon that building. With regard to the course which the House ought to pursue, he was of opinion that it was a matter of mere common sense to take the business out of the hands of the Commissioners, who were, no doubt, admirably qualified for every position except that in which they were placed. Between Mr. Barry and the Commissioners so many blunders had been committed, that when he accompanied strangers through the New Houses, he felt inclined rather to apologise than to commend. He did not recommend the appointment of any Committee, because the proceedings of the Committee of last year were so unsatisfactory, that he trusted they would remain unpublished. All he asked the House to do was, to call upon Mr. Barry to state how he would recommend the building to be completed, and it was then for the House to determine whether that gentleman should be allowed to finish it according to his own conceptions; or whether he should still be fettered and controlled by Gentlemen who were so little competent to the duty assigned to them that they could not convey to the architect what their wishes and intentions were with respect to the completion of the work. If he were to enter fully into the subject, he would suggest that a report should also be obtained from Dr. Reid, stating what portion of the new building had been taken from him, and what was the extent of his responsibility for the ventilation of the House; but he had not courage enough to approach that part of the subject.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'the Architect of the New Palace at Westminster, be requested to lay before the House forthwith, a Report in detail on the manner in which he would recommend that the interior decorations of the New House of Commons, and of the Halls and Rooms connected with it, should be completed; and that he be directed to prepare his plans with due attention to the style of decoration usually adopted at the period to which the general architectural character of the New Palace is referable,' instead thereof."

MR. MOWATT seconded the Motion.

The CHANCELLOR OF THE EXCHEQUER said, that he did not feel called upon to defend himself, for the work was none of his. He did not know whether the hon. Member for Lancaster (Mr. T. Greene) would feel it his duty to answer the hon. Baronet. At the same time he confessed he did, rather for the sake of the House, deprecate any further interference with respect to the new House of Commons. Last year a Committee was appointed, and he could not agree with his hon. Friend (Sir D. Norreys) that the proceedings of that Committee were so unsatisfactory as he had represented them to be. That Committee recommended certain alterations in the building, and the House would see that some very considerable improvements had been made in the arrangements of the House for the facility of divisions and the convenience of hon. Members. He had spoken with Mr. Barry and with the hon. Gentleman opposite (Mr. T. Greene) a short time since, and he hoped in the course of a fortnight to have one or two morning sittings in the new House, to give hon. Members an opportunity of testing the convenience of those arrangements. He thought it far better to have a practical supervision of the House than to call for an architectural report. Several recommendations were made by the Committee last year, many of which had been undertaken to be carried out by the Commissioners. Some of them had already been fully adopted; he, therefore, thought it better to leave the matter in the hands of the Commissioners, than to begin again, by ripping the whole thing open, and confiding in the discretion of the architect as to what further alterations should be made. Were such a course to be adopted, it would inevitably lead to further expense, and also to the postponement of the completion of the new House of Commons. He hoped, therefore, instead of affirming the Resolution of the hon. Baronet, the House would resolve itself at once into a Committee of Supply.

Mr. HUME thought they ought to have a report from the Commissioners of what they had done up to the present time, of which he confessed he was ignorant. Rooms had been erected, he knew, which did not suit the object for which they were built, and when one roof did not answer, the right hon. Gentleman the Chancellor of the Exchequer said, " Try another." That was the way they were going on; and he was sorry the House had not agreed to take the matter out of the hands of Mr. Barry, because it was his (Mr. Hume's) belief he did not know his own mind. He (Mr. Hume) was perfectly satisfied that Mr. Barry ought to be called upon to report what he intended to do to complete the building, and how he intended to complete it; and, if the plan was approved of by the Commissioners, to complete it by that plan. Who could say now when the building would be finished? There never was a building proceeded with in the manner in which this building had been proceeded with; and when the whole of the money had been spent, it would be totally unsuited to the objects for which it was built. Let Mr. Barry have his own will, but let him tell them what he intended to do, in order that they might know when it would be finished. It was his (Mr. Hume's) opinion that he should never see it finished.

Sir De LACY EVANS could not agree with the Motion, because it would be giving a sanction to some of the absurdities of which the hon. Baronet (Sir D. Norreys) had spoken. He doubted whether there should be a statement from the architect at all. Commissioners having been appointed, it was impossible the House could recognise any other party. He hoped the hon. Member for Lancaster (Mr. T. Greene) would be able to make some statement as to the present position in which this matter stood. If they went on as they had, from year to year voting large sums annually, there would be no end to the expense, the alterations, the cuttings down, the buildings up. It would be far better to vote a sum at once, and have two or three years fixed for the completion of the building. They would save, in the first place, 5,000*l.* or 6,000*l.* a year for temporary buildings; and they might depend on it, the longer the works were carried on, the more uncontrolled would be the architect.

Mr. T. GREENE said, the House would have the opportunity, before the close of the Session, of seeing whether the alterations directed by the Committee which sat last year had been satisfactorily carried out; and he hoped sincerely that they would find that they had been so carried out. It was of importance that the House should be satisfied, because it would enable the Commissioners to order the removal of the House in which they were now sitting, of the temporary offices, and of the buildings connected with the House of Lords and Westminster Hall, the latter of which were not only unsightly but dangerous to the edifice. Within a very short time the offices of the House of Lords and the groundwork would be completed. He quite agreed with the hon. and gallant Member (Sir De Lacy Evans), that if a larger sum was voted for carrying on the works, it would be better, because they could then be carried on with greater expedition; but the right hon. Chancellor of the Exchequer was the best judge of what could be spared, and the works had been carried on in accordance with the Votes agreed to by that House. He (Mr. T. Greene) did trust that, by the time the House assembled next year, they would be able to enter into the full occupation of the new House of Commons, including the approaches, the refreshment room, and the library; and that all those offices, which now completely defaced and obscured the appearance of the building, would be removed, and the whole completed in a manner satisfactory to the House.

Mr. CLAY, having had as many foreigners consigned to him as any one, was bound, in justice to Mr. Barry, to say, that upon taking them over the new Houses of Parliament, he had never had to make any apology to them, and they were impressed with general feelings of admiration.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee of Supply; Mr. Bernal in the Chair.

(1.) Motion made, and Question proposed—

> "That a sum, not exceeding 32,000*l.*, be granted to Her Majesty, to defray the Charge of Her Majesty's Foreign and other Secret Services, to the 31st day of March, 1852."

Mr. W. WILLIAMS objected to the Motion. There was nothing in the state of our foreign relations, or in the condition of our Colonies, that would justify such a large expenditure. He looked upon the expenditure of this money to be very possibly spent at elections. That, at all events, was the public impression. He should move, as an Amendment, that the Vote be reduced to 20,000*l.*

Motion made, and Question proposed—

> "That a sum, not exceeding 20,000*l.*, be granted to Her Majesty, to defray the Charge of Her Majesty's Foreign and other Secret Services, to the 31st day of March, 1852."

Mr. CORNEWALL LEWIS denied that this was an extraordinarily large sum. In the year 1822 the Secret Service money voted by that House was 44,500*l.* In 1826, it rose to 60,500*l.* In subsequent years the Vote was reduced. In 1849 it was 39,000*l.*; in 1850 it was again reduced to 35,000*l*; and this year it was proposed to take a Vote only of 32,000*l.*, which, should the House agree to it, would be the lowest sum for secret service ever granted in this country since 1822. This was a very moderate amount, in reference to the vast affairs of the Government. Hon. Members might be perfectly satisfied that no portion of the secret service ever went to the purposes of corruption at elections.

Colonel SIBTHORP had, in pursuance of his duty as an honest man, always voted against this Secret Service money. He attached no weight whatever to the attempted defence of the Vote offered by the hon. Gentleman who had just sat down. Governments, in these matters, always stick up for each other; and, of course, the hon. Gentleman was not likely to cry, "stinking fish." There was something to him sufficiently suspicious in the very adjective "secret." The money was wanted for a good purpose, or it was not. If for a good purpose, let that purpose be openly explained. If for a bad purpose, let it be not voted at all. To him it was perfectly obvious that the Government was ashamed to state what it really did with these annual Votes. Would the right hon. Chancellor of the Exchequer undertake to stand up and deny that the money was devoted to entertainments in Downing-street? Perhaps Cardinal Wiseman had been entertained there. It would not surprise him to find that Ministers had bribed the Cardinal to come to this country some time ago, and to leave it again conveniently at the present time. Every thing in the British House of Commons should be fair and aboveboard; and, for his part, he would not tolerate low secret acts in a Minister of the Crown any more than in a private person. Who would assert that it did not go to the disgraceful purpose of paying spies? Such a Vote was most improper and most unworthy of that House; and he called upon the hon. Member for Lambeth to divide the Committee on the Vote.

Mr. HUME thought that the time had fully come when they ought to resolve to dispense with this Secret Service money. It was true that the amount had of late years been reduced; but, then, they had to consider that besides this Vote, they granted 10,000*l.* in the Civil List to be devoted entirely to secret service, and that therefore they were really asked to grant 42,000*l.* this year. In times past the

English Government had needed Secret Service money for the payment of traitors in foreign countries; but nothing like this could now be considered necessary, and such a vote ought no longer to be found in the Estimates. One Secretary of State did not know what the other Secretary of State was doing with this money; each spent what he liked in his own department, and not even the Cabinet, he (Mr. Hume) believed, ever got any account of the items of this expenditure. If in peculiar circumstances secret services were required, the Government had ample means available out of the 10,000*l.* voted for this purpose in the Civil List. He should therefore vote for the Amendment of the hon. Member for Lambeth.

VISCOUNT PALMERSTON could not conveniently tell his hon. Friend how this money was expended, but he could fairly enough show how it was not expended. He could assure his hon. Friend that no part of it was ever expended in bribery at elections. On this point his hon. Friend might be quite at ease. The amount of Secret Service money, as had been stated, had of late years been greatly reduced, and was in gradual progress of being still further reduced; but at no time would it be possible for a Government to avoid spending certain occasional amounts which it might be essential for the public service to keep secret. Information of an important character was from time to time required, which could not possibly be procured if the names of the persons by whom that information was afforded were to be made public.

MR. DISRAELI said, that having for fourteen years given a silent vote in favour of this item, against which so much of odium and indignation had been directed, he wished to give a reason why he should repeat it on the present occasion. They had heard a remarkable charge made that night by an hon. Gentleman (Mr. W. Williams) who represented an important metropolitan constituency, and who always spoke on all subjects with statistical accuracy. The hon. Member for Lambeth had announced that there was nothing in the state of our foreign relations, or in the condition of our colonies, that could justify any large or extraordinary expenditure. He (Mr. Disraeli) had received that announcement with considerable satisfaction, because he had not been aware that the state of Europe or of the colonies was such that we might congratulate ourselves with a hope of their perpetual tranquillity, or that the general condition of our affairs was of such a kind as demanded no considerable expenditure. The hon. Member had also announced to the House, almost authoritatively, that there was a general opinion abroad that the sum demanded by the Government of the country for secret service money was really spent in influencing elections. Now, that was rather a startling announcement in this year of the Crystal Palace to be made in that House, where distinguished foreigners, by some mysterious agency, were sometimes present and conscious of their debates. He thought that, after agreeing to this Vote for a period of fourteen years, he might protest that in giving his support to it he was not voting for money that was to be spent for purposes of influencing the elections of this country. He did not see that elections were conducted on such a miserable and meagre scale that 32,000*l.* could possibly produce the slightest influence on them. There was a blue book upstairs which showed that the election of one Member of Parliament, returned for the liberal constituency of Norwich, cost as much as 32,000*l.*; and he did not wish that foreigners should go back and convey the impression that a vote of 32,000*l.* was necessary to maintain the Government in office, and sufficient to influence the constituencies of this free country. That was an intolerable stain, which we ought all to rise and protest against. There were few persons who had a greater respect for the hon. and gallant Gentleman (Colonel Sibthorp) than he himself had, and there was no one who would more readily defer to that hon. and gallant Gentleman's opinion; but he could not believe that this sum had been expended by the Government in encouraging the movements of Cardinal Wiseman. And, as a Member of the Opposition, influenced, however, by those feelings which influenced all men, he felt bound to state that he did not think that the Government had been guilty of any extraordinary hospitality in Downing-street. But, seriously speaking, he thought it would become the Government more frankly to explain this vote that they were in the habit of doing. It was not for him to penetrate the mysteries of Downing-street; but he knew that there were a number of persons in Europe who, in the course of the last great struggle in which we were engaged, had received pensions from this country, and they were guaranteed to them for what were considered by the Government of the day as most important services. Of course these pensions were gradually diminishing, and that he believed to be the reason why the vote was diminishing in amount. If that were the fact—and he spoke on good authority—he thought it would be just as well if the noble Secretary of State would frankly appeal to the Committee and tell them what was the fact, that a considerable item of the secret service money was apportioned to the payment of these annuities and pensions, which were every year diminishing. The vote at present was for 32,000*l.*; and was there any Gentleman in that House, looking to the magnitude of the transactions of this country, who could suppose that that was a sum too large to place at the discretion of the Secretaries of State for carrying on the affairs of the country under peculiar circumstances? He should support the grant; but he could not give his vote in silence without noticing the exaggeration, and he would say the irrationality, which pervaded the speech of the hon. Member for Lambeth.

MR. COBDEN saw, in the nature of the remarks which had been made upon this Vote, the best possible argument against the proposal of such a Vote. The first hon. Gentleman (Mr. W. Williams) who had spoken on the matter, ventured a surmise that the Government spent the money in influencing elections. The hon. and gallant Member for Lincoln, who next spoke, gave freer rein to his imagination, and suggested that the money went in convivial entertainments. [Colonel SIBTHORP: Hear, hear!] The hon. and gallant Gentleman had gone still further, and had talked of the Government being in the habit of employing spies. [Colonel SIBTHORP: Hear, hear!] Then came the hon. Member for Montrose (Mr. Hume), who confessed a suspicion that the English Government did not hesitate to hire traitors in foreign countries. Was it extraordinary, when such a vote was proposed, that such explanations should be ventured on? Could the Government assign honourable reasons? Was it honourable and aboveboard, and straightforward and honest, to propose such a Vote at all? If the purposes to which the money was devoted were honourable, let the Vote, like the other Votes, be detailed and explained. The interpretations put upon the Vote in that House, were precisely the interpretations which the public would put upon it. Let the House, on the other hand, examine the replies made to the opponents of the Vote. The hon. Gentleman (Mr. C. Lewis) who had spoken first, had attempted to show that there had been a diminution of late years in this Vote. But the hon. Gentleman could not deny, that since 1822 we had expended 1,000,000*l.* in "secret service." The noble Lord (Viscount Palmerston) who followed, denied the imputation that the money went to the influencing of elections; and no doubt the money allotted to the noble Lord's department did not go in that way. But the noble Lord, nevertheless, admitted enough to justify what had been said by the hon. Member for Montrose, and the hon. and gallant Member (Colonel Sibthorp). The noble Lord acknowledged that the Foreign Office sometimes had to pay for secret "information." What did this mean but paying spies and traitors? It could not be legitimate information that was paid for, or it would come through the legitimate channels. He (Mr. Cobden) had great doubts about this secret information. In nine cases out of ten, these secrets were lies. The hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), who came last, insinuated that the money went to the colonies. [Mr. DISRAELI denied that he had said so.] The hon. Gentleman certainly indirectly suggested that the colonies and the Continent were not in a state to enable the Government to dispense with this money. This was far from being complimentary or conciliatory to the colonies. It would have been a safer argument to admit that the money went to the corruption of electors at home. The whole course of the discussion, he (Mr. Cobden) contended, clearly showed how impolitic a proposal this was. If the hon. Member for Lambeth divided the Committee, he would vote with the hon. Member—his great object was to get rid of the Vote altogether—but, in the meantime, he was ready to cut it down to 20,000*l.*

MR. NEWDEGATE said, he should remind the hon. Gentleman the Member for the West Riding of Yorkshire, that in the year 1845 a sum of 100,000*l.* had been subscribed by the Anti-Corn-Law League, and that that sum had been placed entirely at the disposal of the Committee of the League. The hon. Gentleman had himself been a leading member of that Committee, and he (Mr. Newdegate) remembered to have read a speech in which the hon. Gentleman had expressed his gratitude for the confidence which had been placed in him and his associates by the subscribers to the fund. That was a somewhat curious circumstance in the history of an hon. Gentleman who was so vehemently opposed to the allowance of a sum of 32,000*l.* to the Government for carrying on the less public business of this great empire.

MR. COBDEN said, if the hon. Gentleman had been himself a subscriber to the Anti-Corn-Law League, he would have been better acquainted with the facts relating to it. The Anti-Corn-Law League published its accounts. It had no secret service; all was aboveboard, and, if it had not been, it would not have resulted as it did.

MR. DISRAELI said, he must deny that he had intimated that any portion of this money was expended on the colonies. He had no intention of imputing anything of the kind. All he said was, that he was not aware that the colonies were so tranquil. He did not wish to enlarge upon the necessity of Governments having the power to apply secret service money. There were numerous instances in which the employment of secret service money had prevented misfortune, had secured peace, had prevented fortified cities being taken, and, in more than one instance, had prevented battles. It would be a waste of time to urge these things on the hon. Member for the West Riding, inasmuch as the hon. Member despised history and defied experience.

MR. NEWDEGATE said, that the accounts of the Anti-Corn-Law League had never been rendered until after the League had been dissolved. During the period the League had been in active operation it had never made its accounts public.

COLONEL SIBTHORP said, he was not in the habit of supporting the hon. Member for Lambeth (Mr. W. Williams); but if he supported him on this occasion it would be in consequence of the speech of his hon. Friend the Member for Buckinghamshire.

MR. W. WILLIAMS said, he was not surprised at the hon. Member for Buckinghamshire supporting this Vote, for he had never known a Gentleman in that House who had either been in office, or who looked forward to office, who had not been a supporter of this vote. When the hon. Gentleman found his way into Downing-street, and had the disposal of this money, he had no doubt he would spend it rationally, and he was quite sure he would not spend it in entertainments. Various opinions had been expressed as to the application of this money. He had stated that there was a prevalent impression in the public mind, that a portion of it was spent in corrupting voters at elections. If the Government would consent to refer the Vote to a Select Committee, fairly chosen, he would withdraw his opposition to it. The Chamber of Deputies in France appointed a Committee to inquire into every item of expenditure for Secret Service Money in that country; and why should they not do the same in this country? If Government would not do this, he must trouble the Committee to divide.

The Committee divided:—Ayes 41; Noes 140: Majority 99.

Vote *agreed to.*

(2.) 226,566*l.* Printing and Stationery.

MR. HUME said, there was an item of 6,000*l.* for the *London Gazette.* The *Gazette* was published, in his opinion, in a very injurious manner. The Government raised by it upwards of 15,000*l.* It would be much better, in his opinion, to reduce the price, and give it a more general circulation. Government ought not to be traders in newspapers. There was also a sum of 300*l.* for the Exhibition. That was a paltry sum, and he should have wished that the Exhibition had not owed anything to the public. He would also observe that the present system of allowing a monopoly of printing Acts of Parliament was bad.

MR. CORNEWALL LEWIS said, originally the *London Gazette* was voted for as a separate establishment. The objection was made—and he was not sure whether it was not by his hon. Friend (Mr. Hume) himself—that the whole receipts should be paid into the Exchequer, and that the whole expenditure should be voted by Parliament. In accordance with that principle, an alteration was made last year that the receipts for the *Gazette* should be paid into the Exchequer, and that the whole of the outlay should be brought into the Estimates. That was the reason why the Estimates appeared in this form. With respect to the price being too high, he had only to say it was not the object of the Government to publish a newspaper. If they were to do so, an objection would be made that they were interfering with the trade of newspapers. And the *Gazette* could hardly be considered in that light. It was merely for the purpose of publishing official announcements, and complying with the requirements of various Acts of Parliaments, that certain announcements should appear in the *Gazette.* With respect to the promulgation of the Acts, the distribution, he believed, was under the superintendence of the officers of the House, and he was not aware that any diminution could be effected. On the entire Vote, however, there had been a diminution. In 1849 it was 277,000*l.*; in 1850, 260,000*l.* and in the present year it was 226,000*l.*, showing a diminution of 51,000*l.* since 1849.

MR. REYNOLDS complained that out of the whole sum of 226,000*l.*, Ireland received only 14,886*l.*, while last year she received 19,940*l.* He complained, moreover, that printing and binding were done in England for the use of the Government offices in Ireland, whereas there was not only a Treasury order requiring that it should be done in Ireland, but it could be done there equally well, and 30 per cent cheaper. Besides this, he found an item of 20,000*l.* for similar charges in the office of Inland Revenue of England, but not a penny for the same department in Ireland. Did that arise from the books, &c. being sent over from England?

COLONEL SIBTHORP also objected to the 300*l.* for the printing and stationery of the Commission for the Exhibition. He understood that the hon. Member for Montrose (Mr. Hume) had been many times at that Exhibition. He was happy to say he had never been once. The whole affair, instead of being any advantage to the country, was a curse; and he every day was told by those connected with it that it had turned out to be a disappointment and a humbug. Considering that it had been the means of extracting, by some trick, fraud, or conjuration, 300,000*l.* out of the pockets of the people, he thought it was shameful to call on the Committee to vote for it this paltry item of 300*l.*

MR. W. WILLIAMS thought, for the credit of the Exhibition, that the sum ought not to be charged.

MR. LABOUCHERE said, the Government thought it right that the House should defray the expenses incident to the issue of the Royal Commission. The Exhibition was maintained by private contribution; but he did not think the expenses of a Royal Commission ought to be defrayed in that manner.

MR. COBDEN said, he understood an arrangement had been come to that the publications of the House should be issued in an octavo form, by which one-third of the expense of printing would be saved.

VISCOUNT MAHON, as a Member of the Committee, said, the subject had received their attentive consideration; but it did not appear there could be any great saving of expense. The Committee had decided on trying the experiment, to enable hon. Members to judge of the comparative merits of the two sizes.

MR. HENLEY considered the octavo form the most convenient as to portability, but not so easy to read.

Vote *agreed to.*

The following Votes were also agreed to:—

(3.) 13,000*l.*, Law Charges, England.

(4.) 8,670*l.*, Mint Prosecutions relating to Coin.

(5.) 17,700*l.*, Sheriffs' Expenses, Officers of the Court of Exchequer, &c.

(6.) 9,080*l.*, Insolvent Debtors Court.

(7.) 87,840*l.*, Law Expenses, Scotland.

(8.) 60,000*l.*, Ditto, Ireland.

(9.) 35,500*l.*, Police of Dublin.

(10.) 200,000*l.*, Charges formerly paid out of County Rates.

(11.) 15,472*l.*, Inspection and General Superintendence of Prisons.

(12.) 251,269*l.*, Government Prisons, &c.

(13.) 117,190*l.*, Maintenance of Prisoners in County Gaols, &c.

(14.) Motion made, and Question put—

> "That a sum, not exceeding 98,860*l.*, be granted to Her Majesty, to defray Expenses connected with the Transportation of Convicts, to the 31st day of March, 1852."

MR. HUME said, that he could not think they were warranted in spending money in sending out convicts to Van Diemen's Land, in the face of the universal disapprobation expressed there. He thought that the Vote should at least be suspended until the state of matters there was better understood, and until we had some assurance that our sending convicts there would not be attended with very lamentable consequences. The last packet brought information that the inhabitants had formed a union for the purpose of preventing the landing or employment of convicts; and he thought if the Colonial Office could not grow wise by experience, but still persisted in sending convicts to the colony, that House should interfere and refuse the means of carrying out such a policy. He should take the sense of the Committee upon the Vote, unless Government would postpone it until after the arrival of the next despatches from the colony.

MR. CORNEWALL LEWIS said, he saw no good to result from postponing this Vote for a few days. At the same time he could assure his hon. Friend that the Government were doing all in their power to diminish transportation. An examination of the estimates would show this. He thought that the Committee would agree to the Vote when they took into consideration the circumstances of the case. The expense of the Government prisons and convict establishments at home would be, for the present year, 251,000*l.* against 237,000*l.* in the previous year, being an increase of 14,000*l.*; an increase which was mainly owing to the greater proportion of prisoners who were suffering punishment at home, as compared with those who were sent to the colonies. The expenses of the transportation of convicts was, last year, 119,000*l.*, the vote proposed for the present year being only 98,000*l.*, being a diminution of 21,000*l.*; the cost of the convict establishments in the colonies was, last year, 200,000*l.*, while the vote for the present year was only 183,000*l.*, showing a further decrease of 17,000*l.* It appeared, therefore, from these items, that the cost of prisoners in this country was increasing, while that of the prisoners suffering transportation in the colonies was diminishing; showing thereby that the Government were at present decreasing rather than increasing the proportion of prisoners suffering transportation in the colonies. The same inference was borne out by a reference to the number of prisoners under punishment in this country, which was last year 9,828, this year 10,876. He thought, therefore, that as the system of transportation must be maintained to some, and probably to a considerable extent, and as Government were diminishing rather than increasing it, there could be no reason for withholding the Vote.

MR. HUME said, that he did not complain of the amount of money involved in the Vote, but of our throwing our criminals upon the shores of Van Diemen's Land, not merely in opposition to the protests of the inhabitants, but contrary to the pledge given by Earl Grey in one of his despatches, that no more convicts should be sent there. This was a direct breach of public fath, and on that ground he objected to the present Vote.

MR. ALDERMAN COPELAND said, that 12,000 of the best inhabitants of Van Diemen's Land had emigrated, or had given notice of emigration, from thence in consequence of the number of criminals sent there. He hoped that this Vote would be postponed, at all events, for a few days.

The CHANCELLOR OF THE EXCHEQUER said, that it was perfectly impossible for Government to stop transportation at once; all that the Government could do was to diminish its extent. Now not merely was a less sum of money expended, but the diminished vote showed the intention of Government to send out a smaller number of convicts. They were not sending convicts to Van Diemen's Land alone; arrangements had been made for despatching a large number of convicts to Western Australia and to the northern part of New South Wales, the inhabitants of which were anxious to have them.

MR. G. HAMILTON said, he had heard of sentences being commuted, and convicts set at liberty without any recommendation to mercy. Against such a system he protested.

COLONEL DUNNE said, he felt certain that the system of transportation must always be resorted to; but there were many colonies in which the convicts would be gladly received, and they need not be forced upon others.

MR. HENLEY regretted to remark that a larger proportion of our criminals were being retained in this country. However, it might be hoped that some of these convicts could be reformed. He looked with apprehension on the retention of great numbers of criminals in this country, where they could hardly be so likely to find employment on their liberation as in a distant country.

MR. DUNCAN said, merchants were actually leaving Van Diemen's Land on account of the continuance of the convict system. A detail of the results of the system would astonish the House.

MR. VERNON SMITH could confirm that which his right hon. Friend the Chancellor of the Exchequer had observed, that the vote was not restricted to Van Diemen's Land, but partly applied to other colonies where the convicts would be willingly received. He certainly thought it would be undesirable to force them on colonies which did not desire to have them.

CAPTAIN HARRIS thought that the country had a right to look to our colonies to receive our convicts without complaint.

A great mistake had been made originally in establishing penal colonies; it had tended to create a kind of distinction between those colonies and others, and to produce the idea that it was a disgrace to receive convicts. It was to be regretted that the system of transportation should be prejudiced by the rashness and recklessness of the Colonial Office, which had partly co-operated in inducing an impression that transportation was objectionable, and would be discontinued. If proper measures were taken to prepare the way for the reception and employment of convicts, he believed that the system of transportation might be beneficial. In Canada, for instance, convicts were actually required to construct a railway. The impression was getting abroad that transportation was to be discontinued, and that the convicts were to serve out their punishment at home. He thought Government should speak out on this question, and not leave the country in a state of uncertainty. He believed that many portions of our colonies might be made available for the reception of convicts, and without any stigma attaching to colonies consenting to such an arrangement.

MR. AGLIONBY said, that with respect to Van Diemen's Land there could be but one opinion—that that colony had a right to complain of a breach of faith. The right hon. Chancellor of the Exchequer had spoken of colonies willing to receive convicts. In reference to those Australian colonies of which he had any knowledge, and New Zealand, he did not believe the people were willing to risk the demoralisation of themselves and their families by the introduction of convicts. With respect to other colonies he would say nothing, because he knew nothing whatever of them. If they wanted convicts, let them have them; but he implored the Government not to take all the reports of Governors on the subject, as if they expressed the wishes of the colonies, when, in point of fact, they might only be founded on the statements of a few individuals.

LORD JOHN RUSSELL said, the discussion which had just taken place tended to show the difficulties which the Government had to encounter in dealing with this subject. The hon. Member for Oxfordshire (Mr. Henley), representing a considerable portion of the feeling of this country, said that it was a great evil that the number of convicts kept in this country should have increased, that our gaols should be crowded with them, and that the same number of convicts should not be transported as formerly. The hon. Gentleman who had just sat down (Mr. Aglionby), on the other hand, maintained that it was a great evil that any convicts should be sent either to Van Diemen's Land or New Zealand, and he objected to the continuance of transportation to our colonies. He (Lord John Russell) must say, in the first place, that although Bermuda and Gibraltar were places to which a certain number of convicts might be sent, yet no great additional number could be sent to any other place except Australia. That there was any of our colonies anxious for our convicts, was very little to be credited. There were some parts of New South Wales—Moreton Bay, for example—which were ready to receive our convicts; but, generally speaking, the agitation now going on throughout Australia was against convicts being sent to any part of the Australian colonies. They said, and there was a great deal of truth in the representation, that if convicts were sent to Van Diemen's Land, they would afterwards find their way to New South Wales and other parts of Australia; and what they desired was that there should be no more transportation to the Australian colonies. The hon. Gentleman who had spoken last, and the hon. Member for Montrose (Mr. Hume), had mixed up with this subject a grave charge against the Secretary of State for the Colonies. He (Lord John Russell) believed that that charge was totally unfounded. When the present Government came into office, they found that for some years a great number of convicts had been sent to Van Diemen's Land, and that the Secretary of State for the Colonies who immediately preceded them—he meant the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone)—impressed with the great evil which this over-transportation had caused, had given directions that transportation to Van Diemen's Land should be suspended for two years. A plan was afterwards contemplated by the present Secretary of State for the Colonies not to put an end to transportation, but to make the convicts undergo a certain portion of the punishment in this country, and then to send them out, not as transported felons, but as exiles, upon the condition that they should not leave the Australian colonies without permission. That plan was afterwards changed to a plan for sending them out with tickets of leave;

but this did not imply any promise with respect either to Van Diemen's Land or New South Wales. There was, therefore, no breach of faith in the matter. He was inclined to think that the Governor of Van Diemen's Land had misunderstood some of the despatches which he had received from the Secretary of State, and that he had unconsciously held language which had led to the expectation that transportation had ceased; but that was quite a different thing from giving a pledge that it should cease. Having said this, he (Lord John Russell) would not then enter into the great subject which was involved in the question which the hon. Member for Montrose had raised. He would only say that he thought it must be quite obvious to hon. Members that, whether they resolved to maintain transportation, to diminish it in a certain degree, or to abolish it altogether, it was impossible to make a sudden change in the system which was in operation. The hon. Member for Montrose had talked of waiting a few days for further advices from Van Diemen's Land; but the hon. Member did not seem to consider that the persons were convicted, that their trials were over, and that they occupied the prisons and hulks of this country; and that, if the House were to resolve that they should not be transported, it would be necessary to make provision for their support in this country, at the risk of great expense and great evils to this country. He would only say, further, that every means ought to be taken, and that he believed every means were taken, in order to ascertain what parts of Australia were willing to receive convicts; and that, with regard to the number of convicts sent, they would be very much guided by that consideration. He quite admitted that a great number of convicts in a particular colony was a great moral evil. He thought that the extent of transportation should be measured by the number of people in the colony to whom the convicts were sent; that if a small number of convicts were sent to a colony where there was a great demand for labour, and where the general tone of society was in a healthy state, the result would be productive of good; but that, if a large number of convicts were sent among a thin and free population, the result would be a serious evil. But these were matters to be considered from time to time, and they would be so considered by the noble Lord the Secretary for the Colonies, and by the right hon. Baronet the Secretary of State for the Home Department. He begged the Committee further to consider that if they were to make a great change in the whole system, it would not be sufficient to make a change in the Vote asked for in the Committee of Supply, but that it would be necessary to make a change in the criminal law; because so long as the law said that for certain offences offenders must be punished with transportation, it was impossible that the Government could take upon themselves to declare that this law should not be carried into effect.

MR. W. WILLIAMS said, that some consideration ought to be given to the universal expression of disapprobation by the colonies of the present system of transportation.

LORD NAAS said, that all the colonies, with the exception of Australia, having decidedly declared against the reception of convicts, and the people at home being equally unwilling to retain them, he saw no alternative but to create new convict settlements in Australia.

MR. EWART said, that on one occasion he went with a deputation to the late Colonial Secretary on the subject of transportation to Van Diemen's Land, and he was deeply struck with an observation which was made by one of the deputation, which was this, that he had a wife and five children in Van Diemen's Land; but rather than they should continue exposed to the contamination of the convict system, he would see them all dead at his feet. He (Mr. Ewart) coincided with his hon. Friend (Mr. Hume) so far as Van Diemen's Land was concerned; but he would go further and say, that as a general principle, they ought not to concentrate the poison of transportation in any one colony. At the same time, while he was anxious for the purity of our colonies, he felt bound to consider the welfare of our own country, and he confessed he looked forward with some anxiety to the future for some means of disposing of our convicts by transportation, which he had always held was the only sound system for correcting the criminal, as well as punishing crime. The present Minister of the Interior of France, M. Léon Faucher had also expressed his opinion in favour of the system of deportation. It was only within the last two months that a Commission, appointed in France, had reported upon a similar subject—the deportation of their criminals to Algiers.

MR. HUME said, the noble Lord (Lord John Russell), who had appealed to him, would recollect that, when the Government discontinued transportation, he (Mr. Hume) objected to it as impolitic; but yet he was of opinion that, if continued, it ought to be continued on a system that would satisfy the colonies. The system, however, as it had been conducted by the various Governors, was such that the colonies were driven to determine they would receive no more. When the noble Lord denied that Earl Grey had broken faith with the colonies, he (Mr. Hume) would say no more till he had read Earl Grey's letter, and the resolution of the colonists. Speaking of the reformation of criminals in prisons, having no faith in it himself, he had visited the prisons personally, had inquired at the governors of those places the opinion they entertained of their efficiency in that way, and he had heard the opinion of five of the oldest aldermen in London—[*Laughter*]—hon. Gentlemen might laugh if they pleased, but five of the oldest and most experienced of the aldermen had declared that the result of their experience was, that no reformation could be effected by prison confinement. He complained of the Government sending out 1,500 convicts and throwing them upon an infant colony who had formed a league to protect themselves against the injustice of the Colonial Office. If the Government would give a pledge not to send these convicts to Van Diemen's Land, he would not oppose the Vote; but he would not agree to the grant of a single shilling for the purpose, under present circumstances, of sending convicts to Australia.

Captain HARRIS begged to read, in support of a statement he had previously made, the following passage from a speech delivered by Earl Grey in the House of Lords, on the 5th of March, 1847:—

> "There is another Bill—the Prison Bill—before us, intimately connected with it, of which I shall also move the second reading this evening, but which is not in itself of very much more importance. Its whole object is to make a change, and I believe a very necessary change, in the constitution of the governing bodies of three national prisons of Pentonville, Millbank, and Parkhurst. But though those two measures are not in themselves of any very great importance, I think it is right that, in moving the second reading of this Bill, I should call your Lordships' attention to the whole subject of secondary punishments; for this reason, that these are the only measures of a legislative kind which it is necessary for Government at present to introduce to Parliament in carrying into effect a change in the policy of the country with respect to punishments of a very important kind. That change is of no less extent than a virtual abolition of the system of transportation, which has so many years prevailed under different regulations and modifications as a mode of punishment." [3 *Hansard*, xc. 898.]

From that extract it would appear that he (Captain Harris) had not exaggerated what was said by the noble Earl.

Mr. NAPIER said, he saw a charge for religious instruction on board the convict ships, and wished to know if provision was made for all denominations of religion, or whether in a case where the majority on board were Roman Catholics, while they were adequately provided for, no provision was made for other sects?

Sir WILLIAM SOMERVILLE said, that when the great majority of convicts were Roman Catholics, chaplains were appointed; but where there was only a small number of persons professing a different religion on board, it was impossible to find chaplains for every different creed.

The Committee divided:—Ayes 98; Noes 9: Majority 89.

Vote *agreed to;* as was

(15.) 183,030*l.* Convict Establishments.

House resumed: Resolutions to be reported *To-morrow.*

The House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, July 8, 1851.

Minutes.] Public Bills.—1ª Loan Societies.
2ª Attornies and Solicitors Regulation Act Amendment; Lodging Houses; Appointment to Offices, &c.
3ª Apprentices to Sea Service (Ireland) (No. 2); Expenses of Prosecutions; Landlord and Tenant.

ATTORNIES AND SOLICITORS REGULATION ACT AMENDMENT BILL.

The Marquess of CLANRICARDE, in moving the Second Reading of this Bill, observed that it was introduced for the purpose of giving to the graduates and students in the Queen's Colleges in Ireland the same advantages and privileges which were enjoyed by the students and graduates in the English Universities with regard to their admission as attorneys in the Courts of Common Law, and as solicitors in the Court of Chancery. He could not refer to the Queen's Colleges in Ireland without congratulating their Lordships on the great success with which they had been attended, notwithstanding the severe and selfish opposition to which they had been exposed.

Lord MONTEAGLE joined his noble Friend in his congratulations to their Lordships. He condemned, in strong terms, the resolutions of the Synod of Thurles against these Colleges, but observed, that so strong had been the opposition which they had met with from a large portion of the Roman Catholic clergy, that remonstrances against the decision come to by the Synod, and in favour of mixed education, signed by many hundred persons, clergy as well as lay, had been addressed to the See of Rome; and these protests were so strong that the bishops had not ventured to forward them to Rome.

Bill read 2^a, according to Order, and *committed* to a Committee of the whole House.

LODGING-HOUSES BILL.

The EARL of SHAFTESBURY then moved the Second Reading of this Bill, and in so doing said that he felt that it would be necessary for him to detain their Lordships for some two or three minutes by some preliminary observations, not so much to prove the existence of a great social mischief, as to explain and justify the principle of the remedy which he proposed to apply to it. But first he must give them some notion of the present state of things, and that could not be done without a statement of details; but as their Lordships had already passed a Bill for the regulation of common houses, he thought that they might be spared the most protracted and disgusting particulars. The measure which he had then to propose was intended principally for what might be termed the stationary population. The migratory population was that which chiefly resorted to the common houses, whilst the stationary population was that which resided in our large towns, and spread themselves over them in different directions. It was to improve the condition of the latter population that he now introduced this Bill; and to give them some slight notion of the condition in which that population was, even in the most favourable view which could be taken of it, he would read to their Lordships a return, which had been made to the Statistical Society, at the instance of his noble Friend (the Earl of Harrowby), in 1842. The result of an inspection made by that society in that year was as follows:—

> "Total families inspected, 1,465; total rooms for whole, 2,174; having one room for whole family, 929; two rooms, 408; three ditto, 94; four ditto, 17; five ditto, 8; six ditto, 4; seven ditto, 1; eight ditto, 1; remaining three 'not ascertained.'"

Such was a sample of the condition in which the population lived in one of the wealthiest parishes in the metropolis; but what must be the state of things in its less favoured dtstricts, such as Whitechapel, Shoreditch, St. Luke's, Spitalfields, and others which he could easily name? The return which he had just read to their Lordships showed that 929 families were sleeping in one room. He would say nothing of the cases in which they would find two, three, or four families residing in these single rooms. He would say nothing of their condition, nothing of the want of fresh air, nothing of the contaminated character of the room, nothing of the privies for several hundreds, nothing of the want of water, nothing of the want of drainage, nothing of the vast mass of filth, nothing of the neglect of the authorities, and of the helplessness of the people, nothing of the want of everything that was necessary to the comfort and health of the wretched inmates of these miserable dens. He confessed that he should like to detain their Lordships with details on these points, in order that he might impress on their minds how dreadful the real state of things was, and how necessary it was for them to apply to it an immediate remedy. For this was not a state of things applying only to that great metropolis—it applied also to the small towns and villages scattered over this great country. Their Lordships would find that even worse things than these were revealed to them by the ravages of disease. It was the ravages of the cholera which first revealed these rotten parts of our system, as it would do again, if we did not previously provide a remedy against them. He requested their Lordships just to let him state what were the secrets which the cholera revealed to us. Let not their Lordships run away with the notion that our villages, so beautiful to the passers-by, were full of Arcadian simplicity and purity. No such thing; in such villages were the most offensive localities that could be found. It was true that no remedy had yet been provided for the evils which prevailed there—for this Bill only applied to cities and boroughs which, according to the last census, had a population of 10,000 inhabitants. He would just bring under the notice of the House two instances which showed that in our villages there was a state of things which of itself was sufficient to breed a pestilence throughout the United Kingdom. First of all, he would bring under consideration the picture of Mitcham, an agricultural village in the county of Norfolk, with a population not much exceeding 500 inhabitants. This was the report of the inspectors of populous places in that district:—

> "During the prevalence of the late epidemic cholera, about one-fifth of the inhabitants were attacked, and the deaths in one month were 3.8 per cent of the whole population. On examining the patients whose lives had been spared, I found them, with scarcely an exception, in a state of great physical prostration. Four or five years previously the village was afflicted with typhus; the same houses were recently attacked with cholera, and only about five weeks before my inquiry influenza was so prevalent as to seize almost universally man and beast."

But even this description was nothing to that given of another village in the same county of Norfolk—he meant the village of Nordelf. It was well worthy the attention of their Lordships:—

> "There is no kind of drainage in the place; the houses are small, unventilated, dark, damp, and dilapidated; the floors are of brick, uneven, broken, and full of cavities; the roofs decayed, unsafe, and abounding with holes; the rooms are inconvenient, comfortless, and filthy in the extreme; pigstyes and privies, in the foulest condition, are situated within a few feet of bedplaces, in which I saw many patients in cholera, lying enveloped in the disgusting effluvia from the surrounding abominations."

Such was the report of the inspector. Now, let their Lordships mark the result. "There were 52 cases of cholera among a population of 150." Fifty cases of cholera in the small population of this village! Why, it swept away one-third of its whole population. What would their Lordships have felt if such a rate of mortality had occurred in that metropolis? Why, it would have carried off no less than 700,000 of the inhabitants of London. Everything was done which could be done to check the ravages of that pestilence. And mark the result:—

> "After the cleansing operations, commenced on the 7th of December, only four additional cases of cholera occurred, together with a few cases of diarrhœa, that were arrested in the very onset."

That was the state of things in a small parish, arising entirely out of the lamentable domiciliary condition of its residents. Now, there was, at no great distance from the splendid chamber in which their Lordships were then sitting, a wretched precinct, which they would do well to see with their own eyes, as he had done, before they returned home that evening—it was Church-lane, in the parish of St. John, Westminster. He had selected this parish from the report to which he had already referred, and he would read to their Lordships a summary of its condition:—

The Earl of Shaftesbury

> "Church-lane.—A picture in detail of human wretchedness, filth, and brutal degradation. In these wretched dwellings, all ages and both sexes, fathers and daughters, mothers and sons, grown-up brothers and sisters, the sick, dying, and dead are herded together."

He could say, from his own knowledge, that this was no exaggerated picture of the condition of the district; but the summary went on as follows:—

> "Take an instance:—House, No. 2, size of room, 14 feet long, 13 feet broad, six feet high; rent 8*s.* for two rooms per week—under-rent, 3*d.* a night for each adult. Number of families, 3—eight males above 20; five females above 20; four males under 20; five females under 20; total, 22 souls. Landlady receives 18*s.* a week—thus a clear profit of 10*s.* State of rooms, filthy."

Not to detain their Lordships longer, he would now give them the final summary of their inspector, who had visited 161 places and districts, containing an aggregate population of 1,912,000 souls. His statement was, that the reports were uniform on this point, that the condition of the domiciles of the labouring peasantry was such as he had described it. Let their Lordships next consider the consequences which were almost certain to result from such a melancholy description of affairs; and, first, with regard to the physical condition of the people. You could not enter into their habitations without seeing the physical degradation which it produced. All the persons who had fainted under the disgusting atmosphere which they had to breathe whilst inspecting their tenements—all who could bear testimony by personal experience to the deleterious miasma which reigned within them, concurred in stating that they could enter fully into the feelings of those who occupied them; for they themselves had felt the same necessity for some stimulus to support exhausted nature which the inmates felt. The depression of strength and energy which was there produced created a strong propensity for intoxicating drinks. Fever was never absent from such abodes. Hundreds and thousands were struck by it, and became easy subjects for cholera, or any other epidemic. It was a melancholy fact, that in such places fever selected for its attacks the heads of families, and not only the heads of families, but all who were in the prime of life, and were the fathers and mothers of healthy children. That fact was clearly established by the records of our fever hospitals; and in the returns from those establishments their Lordships would find that the greatest mortality from fever always prevailed among the most vigorous patients. From a court adjoining Gray's Inn Lane, in a space not larger than the chamber in which he was then speaking, 84 cases had been sent to the Fever Hospital since February last, and more cases were still going. Could their Lordships suppose that these physical evils produced no mischievous moral consequences? He was sorry to have to inform them that they produced the most fatal and deadly consequences. They generated habits of drinking—they led to the overthrow of decency. Every function of nature was performed in public—there was no retirement for any purpose—there was no domestic education—nay, education itself was useless, if children returned to their homes to unlearn by example what they had learned by precept. He grieved to reflect that in these dens there could be no domestic training of that description which was more valuable than any other training—the training of the mother; and that the want of such domestic training could not be compensated by any system of public education which could be devised. This he saw daily. He had, as many of their Lordships perhaps knew, been for some time connected with the ragged schools recently established in the metropolis. Most of the ragged children whom they saw about the streets attended those schools, and not, he trusted, without benefit. A young boy or girl received there useful lessons; but they returned to the single room, in which six families might be residing, without any regard to the restraints which were necessary for a social, moral, and religious life, and they lost in one hour all the decent impressions which they had gained in the previous six. Until this source of evil were removed, all your hopes to improve the morals of your people, all your efforts to give them a useful and religious education, will be vain. You must stop this welling fountain of disaster, if you would carry into execution the benevolent and provident views which you, in common with all who have property to protect, entertain towards the lower classes. There were other consequences from this state of things to which he wished to call the attention of their Lordships, and those were its financial consequences. It was clear to him that a great part of the pressure on the poor-rates was produced by the condition to which the people were reduced by their habits of intoxication, and by the fever which always raged in their dwellings, owing to the causes he had already assigned. Thousands of widows and orphans, deprived of their natural protectors in this manner, were yearly carried to the poorhouse, and there became a permanent charge on the rates, or else were supported by private charities. He would give an instance of the working of this part of the system. During the prevalence of the cholera it was reported to the Sanitary Board, that there was a court near Chiswick in such a crowded and filthy condition, that if the cholera broke out there, its ravages must be deplorable. Mr. Grainger brought the case under our notice. We told the parish authorities to remove from that court some of the families residing in it; for we warned them that, if they did not, and the cholera ravaged it, the results would be most dangerous. Within three days after we had given that notice, the cholera did break out there. It seized, like fever, on the heads of the families. In one day several died, and fourteen children were in consequence carried to the public workhouse to become a permanent charge on the poor-rates, when the expenditure of 10*l.* in the first instance might have rescued the parish from further expense, and have saved the lives of their parents. He was quite sure, from calculations which he had made with his two excellent friends, Mr. Chadwick and Dr. Southwood Smith, that if the sanitary condition of our towns should be improved according to the plans which they superintended and suggested, within ten years from this time the poor-rates would be reduced to one-third of their present amount. It was a partial endeavour to meet this state of things that induced him to propound a measure, founded on a principle already recognised by their Lordships in the Baths and Washhouses Act. Let it be observed, in the first place, that the Bill was permissive, and not compulsory; and, in the second, that it was founded on the assumption that such institutions as those which he was then about to propose were altogether remunerative, self-supporting, replacing both principal and interest, without anything of an eleemosynary character about them. He would just furnish their Lordships with an instance of the mode in which a similar experiment had been tested by experience. He was connected with a society for ameliorating the situation of the labouring classes, and for improving their domiciliary condition. That society had proceeded on this principle, that it was impossible to improve their domiciliary condition unless they could be made to study their own interests. We constructed, therefore, houses of every description; we tried houses of every sort—from those containing only rooms enough for one family to the large barrack, in which several families, with two or three rooms each, reside under the same roof. In every instance we have found our outlay remunerative. We have expended in building, and in improving and adapting existing houses, 23,000*l.*; and the net result, deducting all incidental expenses for repairs, &c., averages 6 per cent, or 5½ per cent on the new buildings, and 12 per cent upon the old. And all this we have done at rents never more, and sometimes less, than what was paid for the most scanty and foul accommodation. Look at the average rent paid in Snow's Rents, Westminster, a vile place, where in 1844 it was 2*s.* 4½*d.* per week per room. Look at the apartments occupied by the London Dock labourers, for which they paid an average rental of 3*s.* a week, although nothing could exceed the filth which polluted them. In many lodging houses from 1*s.* 6*d.* to 3*s.* a week was paid for a single bed, several sleeping in the same room, wanting in everything like comfort and cleanliness. There was one remark which he had made before, and which he would venture to repeat then:—

> "It had been said that an increase of rent was a consequence which the working people would not be able to bear. Assuming an increase, he was convinced that they would be able to bear it from the greater health they enjoyed, and the greater activity and diligence they would be able to bestow on their work."

Supposing, for the sake of argument, that what he now proposed would lead to the payment of an increased rent by the working men, he thought he could show that they would be enabled to bear such increase; for, living in unwholesome dwellings, they lost about thirty days by ill health in every year, and, putting the loss at 1*s.* 6*d.* a day, the loss by the year was 45*s.*, and when they removed from unwholesome to better regulated lodgings, their health was greatly improved. He should never forget the remark made by a woman, who, having removed to one of the improved lodging houses, observed that it was a blessed thing to dwell there, for by the wages she earned she now was enabled to live, though she never could do so before. He could not give a better proof of the advantages resulting to the poor people from the improved air, drainage, and comfort in their lodgings, than by stating the fact, that when the cholera was raging in Church-lane, there was not a single case of sickness in the great lodging house, which was as near to Church-lane as he was to the woolsack at that moment. This was not merely the case with the lodging houses belonging to the society with which he was connected, but an equally favourable account might be given with respect to all the model lodging houses in London. He had shown that the establishments such as he proposed to encourage by the present Bill were remunerative, and fully paid their expenses, repaying both principal and interest. The operation of the Bill would, in the first instance, be limited to boroughs and parishes not having less than a population of 10,000 persons; and it was provided that the council of any borough might adopt the Act, the expense to be charged on the borough fund; that, on the requisition of ten ratepayers, churchwardens might convene a vestry to determine whether the Act should be adopted; but the Resolutions were not to be deemed carried unless two-thirds voted for them; that, when the Act was adopted, the vestry should appoint commissioners for carrying the same into effect, and that the overseers should levy, as part of the poor-rate, such sums as the vestry should deem necessary; that vestries of two or more parishes might concur; that town-councils and commissioners might erect lodging houses, or adapt buildings, or purchase existing houses; that if lodging houses were considered unnecessary, or too expensive, they might be sold with the approval of the Treasury; that the council and commissioners might make by-laws, subject to the approval of the Secretary of State. Then came a provision which was necessary to prevent abuse, and it was to the effect that no person receiving parochial relief should be a tenant of these lodging houses, except the relief was given on account of accident or temporary illness. The Bill was guarded in every respect against the probability of jobbing, and against its being converted into eleemosynary uses, which would entirely destroy the object in view. A too rapid and too general adoption of the Bill was also guarded against, and it had this advantage, that if faulty it could not be widely spread, as one or two failures would utterly check its operation. The Bill violated no principle, but merely enabled a locality to provide what a labouring man could not provide for himself. There were reasons why this undertaking should not be left to private speculators. First of all, they shrank very much from it, because it required a great deal more care and supervision than any private individual was inclined to bestow on it, and, moreover, private speculators had a tendency to have recourse to small, narrow, and confined houses; for there was no doubt that such houses, without having any arrangements for decency and comfort, gave a much larger profit than constructions on the plan such as he proposed, and such as were, in his opinion, indispensable for the comfort and decency of the population. In proof of the enormous profits yielded by very small houses, he mentioned an instance of a house belonging to the society with which he was connected, and which they now kept as a mere curiosity. That house, notwithstanding every means of comfort and decency were afforded in it compared with other houses of the same size, returned 30 per cent on the outlay. What, then, must be the profit made by those who, having a large number of these small houses, took from the inmates the same amount of rent, without giving anything like the same accommodation as the society he belonged to? There were at present a vast number of schemes for the improvement of the working classes, and he felt assured that those classes would, if the opportunity was afforded them, also improve themselves. The concurrent testimony of all persons conversant with the habits of the people went to show that the improvement of their domiciliary condition reversed all those frightful pictures which he had felt it his duty to present to their Lordships. On this subject also he might bring to bear the testimony of foreign nations. He knew no one subject which had so much excited the interest of foreign nations as that of the erection and management of lodging houses for the people. Their Lordships would be surprised to hear of the amount of correspondence which had proceeded from all parts of Europe; from Paris, Germany, Spain, Italy, and also from the United States, asking for plans. He could assure their Lordships that not a few of the foreigners who arrived here to see the Crystal Palace, came to him desiring to be taken round to those establishments formed for the benefit of the working classes; and they expressed their opinion that nothing was more satisfactory, or more full of promise for the wellbeing of this country, than the efforts made for the advantage of the working people, more particularly in that particular direction to which he now called their Lordships' attention. The present really was a measure by which they would give to the working man that which he had a right to possess—a full and free opportunity for the development of his energies. It was really heartbreaking to see the effect produced on the honest workman, who came up to this capital, by being compelled to place himself in some filthy locality and some ill-ventilated house. He had seen, and he could bring evidence to the same effect from others who had more opportunities than himself of witnessing the circumstance, young persons in the vigour of their life, and quite capable of earning 30*s*. or 35*s*. a week, completely broken down within eight or ten months of their arrival in this town, in consequence of the unhealthy mode in which they were compelled to live, and either carried to their graves, or reduced to a position of hopeless want. A noble Friend whom he saw opposite, would no doubt corroborate what he stated, when he said that this was no exaggerated picture. Here he could not help mentioning what he had before noticed in another place, that Mr. Porter, in a little treatise called *Self-imposed Taxation*, showed that the working people of the United Kingdom expended annually on gin, other spirits, tobacco, and beer, no less a sum than 57,000,000*l*. Now, if the habits of those classes of the people were improved, what an advantage would be gained if, instead of that amount of money being so spent, it were expended in obtaining wholesome bread, meat, clothing, education, and comfortable and decent dwellings! He had propounded the present measure to the House of Commons, where it was received with great favour; and he trusted that it would be received with equal favour by their Lordships, who, he was quite sure, would not fall short in this labour. He felt convinced that their Lordships, while they had a common interest in the decency and comfort of all their fellow-subjects, would show that, notwithstanding the difference of station and fortune, they were under the influence of common sympathies and a common Christianity.

Moved—That the Bill be now read 2ª.

The MARQUESS of NORMANBY had on more occasions than one called their Lordships' attention to the necessity of legislation on this subject, and he now expressed his satisfaction at finding the cause taken up by one so well calculated to advance it. With regard to the limitation in the Bill, he must observe that the evils to be remedied existed almost to the same extent in localities which would not come within the operation of the measure, and he should have preferred if the limitation in respect to a population of 10,000 had not formed part of it. Knowing, however, the vigour, zeal, and energy of his noble Friend on these matters, and having witnessed the favourable manner in which his appeal had been received by their Lordships, he felt sure that, if the present measure should prove successful, it would only be considered as an instalment, and that next year its operation would be extended to those localities now excluded from the Bill, but which stood equally in need of improvement in the dwellings of the working classes.

LORD KINNAIRD was aware that the machinery of the present Bill could not be acted on in Scotland; but when it came into successful operation, he trusted their Lordships would agree to apply its provisions to Scotland. In proof of the beneficial effects produced by the establishment of comfortable lodging houses, he referred to one formed in that neighbourhood, the establishment of which had caused all the other wretched lodging houses to be shut up; and he added as a proof that such institutions were not unattended with moral advantages, that on the day of the expected riots in 1848, all the lodgers returned to the dwelling and reported their presence.

The EARL of HARROWBY suggested that when Bills were brought before Parliament for widening the streets, making improvements in the metropolis, and developing the resources of property thereby, care should be taken to insert in such Bills a provision for the erection of structures similar to those contemplated by the present measure, for the accommodation of the displaced population. That population could not, on account of its necessities, extend beyond a certain area; and if large streets were made on the sites of their present dwellings, they could only occupy another spot in a more crowded condition, unless care was taken to provide proper accommodation for them. In conclusion, he congratulated his noble Friend (the Earl of Shaftesbury) on now presenting himself to their Lordships in the character which he had hitherto deservedly borne out of that House—as a most disinterested friend of the working classes.

The MARQUESS of LANSDOWNE did not rise to say anything in support of the present Bill, because all their Lordships who had heard the statement of the noble Earl must feel that it required no support, but spoke for itself, and claimed universal approbation. There had, however, fallen from the noble Earl an observation which he thought not the least valuable of his remarks—that they would labour in vain in respect to the education of the people, unless they accompanied their efforts in that direction by some provisions similar to those now recommended. In reference particularly to what had fallen from the noble Earl in respect to ragged schools, he (the Marquess of Lansdowne) having taken part for many years in the administration of the public grant for the support of schools, had felt the greatest desire to see the progress of those particular schools adverted to by the noble Earl. The ragged schools were very praiseworthy institutions; but he agreed with the noble Earl that the circumstances by which the children were surrounded at home, did away with all the beneficial results of attendance at the ragged school. Reformation was much needed in this respect, for in the present condition of the homes of the poor, a constant moral deterioration of their children was going on; and whatever good might be done to them by the ragged schools, was undone by the examples they beheld under the roof of their parents; for, after all, whatever might be attempted, morality or immorality must be inculcated under the roof of the parents. He therefore thought that the providing more decent and more wholesome habitations had a bearing on the education of the people. He approved of the limited application of the Bill, for confining it in the first instance to large towns, would set an example of voluntary action which would ultimately lead to the general adoption of the system. He thought the House was indebted to the noble Earl (the Earl of Harrowby) for his suggestion that, while great and magnificent streets were being constructed, it was worthy of consideration whether it would not be possible to make some provision for the displaced population. He was not prepared to say that their Lordships should make a Standing Order in their Journals on the subject, but there might be a Standing Order in their own minds when Bills for constructing large streets came under their consideration.

On Question, *Resolved* in the *Affirmative;* Bill read 2ª accordingly, and *committed* to a Committee of the whole House.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Tuesday, July 8, 1851.

MINUTES.] PUBLIC BILLS.—2° Mercantile Marine Act Amendment; Militia Ballots Suspension.

CIVIL BILLS (IRELAND) BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

Clause 22.

MR. REYNOLDS begged to draw the attention of the Attorney General for Ireland to an incident connected with the office of the Recorder of the City of Dublin. Up to the year 1841, the Recorder had been elected by the Corporation; but by the provisions of the Irish Municipal Act, the power of appointing him was taken from the Corporation, and vested in the Lord Lieutenant of Ireland for the time being. But though the Corporation had been relieved of the patronage, they were still under the obligation of paying a portion of the Recorder's salary; and he now wished to be informed whether there was any intention on the part of the Government to remove that burden from the Corporation of Dublin?

SIR WILLIAM SOMERVILLE replied that the question alluded to by the hon. Member had nothing whatever to do with the subject of the Bill before the Committee. He believed that, in reference to the grievance complained of by the hon. Member, the people of Dublin had no more reason to complain than every other town in Ireland; and he had no intention, on the part of the Government, of introducing any measure on the subject.

MR. REYNOLDS said, that in no instance in Ireland, except that of Dublin, had a Corporation who had parted with its patronage remained subject to the liability to pay a salary.

Clause *agreed to.*

Clause 73.

MR. TORRENS M'CULLAGH begged to move an Amendment of which he had given notice: it was to expunge the words "or under a tenancy from year to year." These words were few in number, but they involved an important principle. For several years past there had been a policy pursued by the right hon. Gentleman the Secretary for Ireland, in which he was aided by the right hon. and learned Gentleman the Attorney General for Ireland, which had now reached its climax. This policy might be termed an anti-tenant policy. The right hon. Gentleman (Sir W. Somerville) came into office pledged to bring in Bills to ameliorate the condition of the tenants in Ireland. He had brought in one or two Bills, which, however, fell far short of what the occasion required. The verdict—the damning verdict of their policy, was to be read in the fact that under the system they had pursued with regard to the land question in Ireland—for he would not mince matters—he charged most distinctly upon the system they had pursued, the damning fact that 2,000,000 of their fellow-countrymen had been either starved to death or banished for life. He should not abuse the English language by calling it emigration. Emigration meant voluntary going out to seek a home elsewhere. But their dealing with Ireland had changed the very meaning of the words exile and home; they had made America the only place an Irishman could think of with respect to home. They had taken away the few securities which remained. There was not a man in Ireland who was not aware of the direful effects of what was called the "quarter-acre" clause. The next step was taken last Session. About this time last year there came a flight of Bills from the other House of Parliament, each of them having for its object the diminution of some one of the remaining securities of the people. The Irish Members stopped these Bills *in transitu,* and thus unwillingly lengthened the Session two or three weeks; and he had hoped that that lesson would have had some effect on the Government. But there were some people who could neither learn nor unlearn anything. The Committee would be astonished perhaps to find that this was an adjourned debate. The very words of this clause were to be found in the first Clause of a

Bill ironically termed a "Bill for Amending the Relations of Landlord and Tenant in Ireland." The first clause of that Bill, which was introduced last year into the House of Lords, was to enable the owners of land to sue by ejectment for recovering the possession of land and tenements in that country by persons holding from year to year. That was the very power which this Bill proposed to give. The right hon. Home Secretary of State, last year, when that Bill came down from the House of Lords, declared that he would not support such a Clause, and it was taken out of the Bill. And yet they had the very same Clause inserted in a Bill which had nothing to do with the immediate relations of landlord and tenant. Had the right hon. Secretary of State changed his mind? Did he think that what was wrong in 1850 was right now? Or did he think there were still too many people in Ireland, and that he must take measures to lessen them? Because that was the question they had to decide. Let him (Mr. T. M'Cullagh) address English Gentlemen. In their fortunate country no landlord had the power to serve an ejectment on a tenant from year to year; and because 2,000,000 of people had been weeded from the face of Ireland, were they prepared to give a power to the proprietary class in Ireland, which they themselves had not? Would their constituents thank them for causing more Irish paupers to come here in their transit to another country? The details of the census were withheld, and withheld without cause; but he believed the analysis of the census would prove that to neither famine nor fever could they attribute one-fourth of the decrease that had taken place. They must find a means of keeping up the life blood of the country. Why, a paper in this city had gravely asked what the number of the population of Ireland was to be, and observed that it had been said that 4,000,000 of people were quite enough for Ireland. Fever and famine had been abroad in the south and west of Ireland, and it was generally supposed that there was their harvest. There they no doubt committed fearful havoc; but famine and fever were, comparatively speaking, unknown in Ulster; and in Leinster the people were, comparatively speaking, well to do. Now, in Ulster, there were 406,000 persons less in 1851 than there were in 1841; and this in a province which the rest of Ireland was taunted with not imitating. How was this illustrated and explained? By the fact that in Ulster there were 63,608 human dwellings less than in 1841. What was the use of industry—what was the use of thrift—what was the use of the mixture of population, which they were so fond of boasting of? What was the use of loyalty and order, which they extolled so much, if the result was, that out of 2,400,000 persons 406,000 were fugitives from the land in which they were born? In Ulster the tenants had what they called bargains with their landlords, and under these bargains they had got what they called tenant-right—he begged pardon for using that seditious word in that assembly. The mass of these tenants were from year to year, and they proposed to do with regard to these tenants what they would not venture to do in any English county. Then with regard to Leinster, there had been a diminution during the last ten years of 337,000 persons. Was that caused by famine and fever? He did not underrate the sad effects of those causes; but he had reason to believe that if a census had been taken just after 1847, they would have found no such decrease of the population. The diminution was attributable to the extirpation of the peasantry by eviction, and by the demolition of their humble houses. In Leinster there were 42,529 fewer houses in 1851 than there were ten years ago. He believed that the two last harvests would have done much to restore the country had the Government come forward with the Bills which they promised when they took office—had they done, what he believed the late Earl of Besborough would have done had he lived and remained in office. They had abandoned their pledges so far as attempts to realise them were concerned. But the people were gone, the people were going. He asked them in the name of constitutional right, in the name of civilisation, in the name of a merciful God, were they prepared to stimulate a system which he again said had depopulated the country?

Amendment proposed, line 15, to leave out the words "or under a tenancy from year to year."

Mr. HATCHELL said, he should not go into the general questions which the hon. and learned Member for Dundalk had introduced. The hon. and learned Gentleman appeared to him to have totally mistaken the import and meaning of the proposed Clause. He had alleged that the effect of the Clause was to enable landlords in Ireland to clear their estates. Now, although a tenant from year to year held the land only at the will of the landlord, he was entitled to a notice, and that arrangement of the law was not sought to be disturbed by this Bill. It had nothing at all to do with the question of title, or with the ejectment of tenants who were prepared to abide by their contracts. The Clause only provided that in case a tenant from year to year should owe a year's rent, and would not pay it, the landlord should be at liberty to resort to a proceeding to compel the tenant to pay that rent. If a man went to an owner of land and said, "I will take 50 acres of land of you at 50*l.* a year," and the landlord said, "I will let it you," and they put those seven or eight words down in writing, the landlord would then have the remedy which it was proposed by this Bill to give in the case of tenants regarding whose holdings there was no written agreement. The hon. and learned Member for Dundalk had been pleased to say that he (Mr. Hatchell) was an advocate of anti-tenant legislation. Now, as he viewed this clause, it would have quite a contrary effect to that which was predicated by the hon. and learned Gentleman. At present, if a tenant owed a year's rent, the landlord could not enforce it except by giving a six months' notice to quit, which must expire at the end of the year, so that by that time there would be two years' rent in arrear, and then another half-year expired before the landlord could get his ejectment. That was an anomaly in the law, and it was to meet that anomaly the present Clause was introduced. If there had been a contract in writing, the landlord would have been enabled to have obtained an ejectment without giving notice. The evidence before the Devon Commission showed the necessity of an alteration in the law to the effect now proposed. At present the landlord gave his notice to quit, and that caused irritation in the mind of the tenant, who went to his quarter-sessions' attorney, and if he could discover a mistake in the date, or any other flaw, the tenant set his landlord at defiance, and a state of war between landlord and tenant arose. A lawsuit followed, and the result was an eviction, the tenant all this time spending his substance in resisting the landlord, instead of honestly exerting his industry to pay his rent and fulfil the contract he had entered into. In consequence of the present state of the law, the landlord was compelled to serve his tenants with notices half-yearly, not for the purpose of getting rid of the tenants, but to enable him to recover the rent. Possession was the condition on which the rent was to be paid; but if Gentlemen said that the tenant was to hold possession and pay no rent, then he had no more to say.

MR. WHITESIDE said, he was glad to see so many Gentlemen from England present on this occasion, as it would be only necessary to make them properly understand the principle which was involved, to ensure their coming to a fair decision on the question. There was no doubt but that these proceedings were mere patchwork legislation, and that a better opportunity never offered for dealing comprehensively with the great question of landlord and tenant than at the present moment; but the Government had missed the opportunity, and it seemed to him that it was lost for ever. There was the Incumbered Estates Court transferring the property of Ireland into stranger hands; and, in fact, many matters conspired to render the present a most favourable time for the introduction of some well-considered measure on that subject. There was no doubt but that the present question affected the great bulk of the tenantry of Ireland. The evidence taken upon the Devon Commission was so much useless lumber, for no measure had ever been framed upon it. Two learned friends of his at the Bar had written a book with a view to show how the marrow of the report of that Commission could be applied to the existing law in Ireland; and they said that they thought it would be an improvement in the law if the present system of notices to quit, which this Clause went to abolish, was so abolished. The complexity of the question of the law of landlord and tenant in Ireland would be known from the fact, that in the reign of George III. sixty Acts of Parliament had reference to that subject, and the law of distress occupied thirty Acts, and no attempt had ever been made to condense and systematise that great body of enactments, and the lawyer had to grope his way through all those Acts to know what the law was. Both landlord and tenant in Ireland were oppressed by the number and complexity of the laws; and the greatest boon that House could confer on the country would be to condense and systematise them. Although he (Mr. Whiteside) had voted against those Clauses in the Bill relating to landlord and tenant in the Committee upstairs, he would not vote for their being now expunged. He wished, however, to state that this was in fact the County Courts Bill for Ireland. In England the principle on which the new County Courts were framed was that of uniformity, but the local courts in Ireland he had heard called "schools for perjury." It would be a wise reform to abolish those old local courts in Ireland, as they had been abolished in England, and to assimilate the law in the two countries. In conclusion, he had only to express a hope that the Judges of the proposed courts would be selected for their own merits, totally irrespective of political party or family influences, and thereby secure the due administration of the law, by placing it in the hands of learned and properly qualified persons.

Mr. REYNOLDS was astonished how the hon. and learned Gentleman the Member for Enniskillen, who had so eloquently opposed the 73rd Clause in the Committee upstairs, could have so marvellously changed his mind on the subject. But if his speech on the present occasion was good for anything, it ought to persuade the Committee to reject the Bill. The speech of the right hon. and learned Attorney General for Ireland seemed to him also most extraordinary. If it had been delivered immediately after the Devon Commission, he could have understood it; but in the year 1851, after the quarter-acre clause and the poor-law had worked out their sums of mortality, and the law of ejectment, too, had been strained to the maximum power of oppression, he confessed he could not understand such a speech. He would just call the attention of the right hon. and learned Attorney General for Ireland to the number of Civil Bill ejectments which had been brought in one county in Ireland—he meant the county of Tipperary, to show how the work of estate clearing had gone on. In 1844, the number had been 27,000; in 1845, 37,000; in 1846, 42,000; in 1847, 142,000; in 1848, when the calamities of Ireland had commenced, they had fallen to 82,000; in 1849, to 34,000; and in 1850, when the process of ejectment had done its work, the number had been only 24,000. The people by that period were in their graves, in the workhouses, or across the broad Atlantic. In the year 1851 the population ought to have increased to 9,000,000 and some odd thousands. It was rapidly increasing until 1847, and now it was reduced to 6,500,000, and, deducting this from the 9,000,000, at which the population ought to stand, there was a blank of 2,500,000 of human life to fill up. The great organ of public opinion in this country, the *Times*, had estimated that within a given period 1,000,000 of persons had emigrated to America. He believed that estimate was exaggerated; but taking the figures as correct, and deducting that 1,000,000 from the deficiency of 2,500,000, there was the appalling fact that 1,500,000 persons had been, in four years, sent to untimely graves for the want of the necessaries of life. He maintained that the Clause of the Bill before them was totally at variance with the title. But if a notice to quit was to be supposed a relief to the tenants of Ireland, he would pray that they should be protected from such mercy. He maintained that it was a landlord's Clause, and as such he should offer his most strenuous opposition to it. He had moved for papers relative to the Kilrush and Ennistymon workhouses last April, but they had not yet been furnished, to enable him to bring that case before Parliament. However he would take a future opportunity of doing so. He could tell the right hon. and learned Attorney General for Ireland, that when those representatives who really felt compassion for the sufferings of the people returned to their constituents, a rally would be made to put an end for ever to such patchwork legislation as the present, which was intended only still further to strengthen the hands of the landlords. However the proposed Bill might be on the whole a useful one, he was prepared to endanger its passing sooner than allow such a clause to remain in it.

Mr. WHITESIDE begged to explain that the reason why he had opposed the Clauses in the Committee upstairs was, that they were misplaced in the present Bill.

Mr. MOORE thought, although the hon. and learned Gentleman (Mr. Whiteside) had considered the present question was likely to be decided by English Members, that he might be disappointed, and that it would be decided, as it ought to be, by Irish Members. He could not understand why the hon. and learned Gentleman voted one way in the Committee upstairs, and on the present occasion he intended voting directly contrary. The system of legislation which was adopted towards Ireland might have a good object, but it was all in the wrong way.

MR. J. O'CONNELL said, that this Clause attempted to do that which the Bill of last year tried to do, and which had been defeated. If this were so, what new light had been thrown on the subject? The tendency of the policy of Parliament ought to be to compel the landlords to give leases to their tenants. The right hon. hon. and learned Gentleman the Attorney General for Ireland said the present system led to war between landlord and tenant, which ended by eviction; but this clause would enable them to begin by eviction. He thought it a lasting disgrace to the statesmanship of that House that no measure had been brought forward and carried which would settle this question on a just basis. Until it was settled there never would and never could be peace in Ireland. He did not expect that it would ever be his fortune to address the House again, and he could not avoid taking that opportunity of reminding them of broken promises and pledges unfulfilled. He foretold the result of their policy last Session, and he told them it was not then too late to retrace their steps, to deal kindly with the people of Ireland, and to do them justice; but instead of that they were going on in the same partial system of legislation, which could do no good, but must cause an increase of misery in the country.

MR. ROEBUCK wanted to know what they were all talking about? They had heard a great deal of the census, and now they had had a farewell speech from the hon. Gentleman the Member for Limerick, which certainly appeared to him to have nothing to do with the present Bill. As far as he understood it, when a tenant held under a lease, a landlord in Ireland had the power of ejectment, and it was proposed that in case of tenant from year to year, if the tenant was a year in arrear of his rent, the landlord should have the same summary process. It was apparently a question whether an arrear of rent of one year should not be equivalent to a six months' notice. Now he could not very well understand that putting out a man who was in arrear was the highest possible injustice; but if a man were in arrear a whole year's rent, he did not see, for the honest and fair protection of the tenant, that anything more was required. He must know that he was in arrear, and he was not taken by surprise; and that being so, he should like to hear the arguments of hon. and learned Gentlemen opposite, who knew most about the country. Irish Bills were always to him a matter of astonishment. Here was a sort of *omnium gatherum.* He fancied that this was a Bill for the regulation of certain courts of law; but, in this Bill, which was to regulate procedure, here was a Clause which changed the substance of the law. He entreated the right hon. and learned Gentleman the Attorney General for Ireland to deal with this matter in a systematic manner. If they were to deal with procedure, let them have procedure only; and when they were dealing with the substance of the law, let them have the substance of the law only.

MR. ROCHE said, it was impossible to discuss this question properly without going into the general state of Ireland. One of the greatest evils of that country, no doubt, was the unsatisfactory state of the law of landlord and tenant. But this was an attempt to legislate so as to increase the power of the landlords; and he contended that it was unfair to introduce a Clause having such an effect in such a Bill. The decrease in the population of Ireland was in a great measure owing to evictions; the proof of which was in the fact that it was in the rural districts only that the decrease had taken place. Great Britain increased from 1821 to 1831 in population 15 per cent, whilst Ireland in the same period increased 14½ per cent. During this period Connaught increased 22 per cent, Munster 14 per cent, whilst from 1841 to 1851, Ireland has decreased 20 per cent. Connaught, which increased, from 1821 to 1831, 22 per cent, has now since 1841 decreased 28 six-tenth per cent; and Munster, which before increased 14 per cent, has now decreased 23 five-tenth per cent. In the cities there had been an increase. Forty-three per cent had been the increase of towns, and 20 per cent the decrease of counties. Then in houses the decrease had been 20,068. In the same time the population had decreased by 1,659,330, or a number very nearly equal to the whole population of Switzerland twenty years ago. Another proof was in the fact that there are now 268,000 houses less in Ireland than there were in 1841.

MR. MORE O'FERRALL said, he objected to the Clause, as being inserted in a place to which it did not belong. The hon. and learned Member for Sheffield (Mr. Roebuck) was right in describing it as a Bill of procedure. It contained no less than twenty-five Clauses relating to that most important subject, the tenure of land.

ed property in Ireland, and Clauses of that nature ought not to be introduced into such a measure. He also objected to the proposed Amendment of the hon. and learned Member for Dundalk (Mr. T. M'Cullagh), for the same reasons as those stated by the right hon and learned Attorney General for Ireland. He would ask the Government, lest that subject might be taken up as a means of disturbing the people of Ireland, to strike all the Clauses out of the Bill which affected that part of the subject, until next year, when they might bring in a more comprehensive and satisfactory measure. As they had waited for ten years without doing anything, they might easily wait for six months longer.

Sir WILLIAM SOMERVILLE said, that if the Clause were struck out, similar clauses would remain in twenty other Bills. The only question which the Committee had now to consider was, whether the words proposed by the hon. and learned Member for Dundalk (Mr. T. M'Cullagh) were an improvement to the Bill or not. He assured the Committee that his motive in supporting the Clause was to improve the condition of both landlords and tenants. He believed that the Clause, so far from being a landlord's Clause, was a tenant's Clause, framed to act beneficially for both parties. It was a mere begging of the question to refer to the census and to the drains of emigration, when hon. Gentlemen representing Irish constituencies would not endeavour to amend the law. His desire was to get rid of the harassing system of six monthly notices to quit. He believed that nothing could be conceived to set landlord and tenant by the ears more effectually than those periodical notices to quit. He knew of an estate in the north of Ireland where the regular custom was to append a notice to quit to every receipt given for rent. This Bill was directed to improve the relations of landlord and tenant, and not to complicate them further. By the present system, the landlord was compelled to torment the tenant, and to unsettle him in his holding; while, in case of ejectments, the landlord lost eighteen months' rent. Surely it was not unreasonable to give the landlord possession of his land at the loss of a year and a half's rent. He spoke as an Irish landlord, who had lived the greater part of his life in Ireland, and he unhesitatingly declared his conviction that the tendency of this clause would be materially to improve the relations between landlord and tenant.

Mr. M. O'Ferrall

Mr. ROEBUCK said, the right hon. Gentleman who spoke last had somewhat perplexed him. The right hon. Gentleman said the tenant was harassed, and was prevented from exerting himself by having notices to quit continually served upon him. He could understand the force of that argument; but the right hon. Gentleman went further, and, by way of curing this evil, he proposed to give the landlord more power than he already had, and that was what he could not understand. The right hon. Gentleman said this was a most important subject. If so, why was it that the right hon. Gentleman did not bring in a Bill to deal with it, and not in a Bill professing to regulate procedure, introduce a Clause which altered the substance of the law?

Sir WILLIAM SOMERVILLE said, he could enable the hon. and learned Gentleman to understand it. If this Bill passed, there would be no necessity to be continually giving notices to quit.

Mr. SHARMAN CRAWFORD said, the speech of the right hon. Gentleman the Secretary for Ireland had fully confirmed what had been said by himself and others on that side of the House as to the tyrannical power exercised by many landlords in Ireland. Certainly nothing could be more tyrannical than with a receipt for rent giving a tenant notice to quit, and keeping him in a continual state of degradation. He objected to this Clause because, among other evils, it would create a discouragement to the granting of leases. It was this want of security that caused the people to emigrate. He deeply regretted that the noble Lord (Lord John Russell) was not present, for if he were in the House, he (Mr. S. Crawford) would have asked him whether public faith had not been broken with the Irish people by the non-production of some comprehensive measure directed to this subject. They had lately given the tenant at will the privilege of the franchise, but now they were introducing a Bill which would place the tenant still more in the power of the landlord. He had waited in vain for the Government to introduce some Bill on the subject of the law of landlord and tenant, but in vain, and he now gave notice that he would himself do so during the next Session.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 55; Noes 24: Majority 31.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee divided:—Ayes 56; Noes 20: Majority 36.

Remaining Clauses, and the Schedules, *agreed to.*

House resumed; Bill *reported* as amended.

THE SOUND DUES.

MR. CLAY wished to ask the noble Lord the Secretary of State for Foreign Affairs—this being the year during which (under the agreement of 1841 with Denmark regulating the dues levied by that country on goods passing the Sound) notice can be given of terminating such agreement; whether it is the intention of Her Majesty's Government so to give notice; also, whether any, and what, negotiations have been entered upon between this country and Russia, or Prussia, having for their object the commutation of these dues for an immediate money payment to Denmark, or other compensation?

VISCOUNT PALMERSTON begged to inform the hon. Member that the agreement of 1841 related to a tariff which had existed since 1645, and that certain duties contained in it were lower than those which were exacted anterior to 1841. The arrangement of that year not only brought down all duties to the scale of 1645, but it also reduced some below that scale, and it was therefore an advantageous arrangement to this and other countries. Her Majesty's Government had not taken any steps to dissolve the existing agreement with the Danish Government, nor had any negotiations at present been entered into on the subject. He (Viscount Palmerston) thought the House would see that, independently of all other considerations, and setting aside the question whether it would be expedient to terminate the agreement, the present moment was not one at which it would be right to do anything that might have the appearance of pressing hardly upon Denmark, which country had so recently passed through a severe struggle. He would not pronounce any judgment upon the parties in that question; but this was clearly not the time at which a generous and friendly Government would take any step that might be considered of a hostile character.

MR. HUME begged to ask the noble Viscount whether we had not a right to protect our own ships?

Subject dropped.

COURT OF CHANCERY.

VISCOUNT PALMERSTON *reported* to the House, That the Address of the House of Commons of the 27th day of June last, that Her Majesty would be graciously pleased to add to the Commissioners appointed to inquire into the practice and proceedings in the High Court of Chancery, two or more persons not of the profession of the Law, but such as to Her Majesty may seem qualified as men of business to assist in and make more effectual the labours of the Commissioners; and also praying that Her Majesty would be graciously pleased to cause Instructions to be given to the said Commissioners, to direct their immediate attention to the course of business before the Masters in Ordinary of the said Court, so as to report, as speedily as may be, their opinion as to the proper steps for regulating the business in those Offices in such manner as to diminish the delay and expense to the Suitors, has been laid before Her Majesty. And that Her Majesty has given directions accordingly.

CHURCH EXTENSION.

VISCOUNT PALMERSTON *reported* to the House, That Her Majesty has received the Address of the House of Commons of the 1st day of July, 1851, praying that She will be graciously pleased to take into Her consideration the state of spiritual destitution existing throughout England and Wales; with a view that Her Majesty may be pleased to direct the adoption of such measures as She may deem expedient, for affording more efficient relief to the spiritual wants of the people, and for an extension of the parochial system corresponding to the growth of a rapidly increasing population, by the help which may be drawn from the resources of the Established Church itself: And that Her Majesty has commanded him to inform the House, that the attention of Her Government had previously been directed to the best means of rendering the resources of the Established Church available for affording more efficient provision for the spiritual wants of Her People in England and Wales, and that they may be assured of Her cordial concurrence in the adoption of well-considered measures for promoting this important object.

ATTORNIES AND SOLICITORS.

LORD ROBERT GROSVENOR, in asking the House for leave to re-introduce a Bill to repeal the Attornies and Solicitors' annual certificate duty, said hon. Members would be glad to hear that he should be exceedingly brief in his observations. Last year, he had stated at some length the origin, nature, and operation of this tax. He had shown to the House that it had every vice in principle which a tax could possibly have, and that its operation was in consequence partial and oppressive. And he had great reason to believe that the House had been satisfied with his arguments; for though, upon a fifth division, the right hon. Chancellor of the Exchequer had got a majority, yet on four previous occasions the House had affirmed the principle he advocated—on one occasion by a majority of 259 to 224—a considerable majority for the Motion of a private individual. It was therefore useless to urge reasons of the validity of which the House had declared itself satisfied. The repeal of this tax was virtually carried; the only question was, the time when it should take place. It might have been a more prudent course for the right hon. Chancellor of the Exchequer to have included it in his arrangements for the year; but, as Finance Minister, he probably thought it necessary more severely to test the opinion of the House before yielding to it. He (Lord R. Grosvenor) had intended bringing forward this question at an earlier period of the Session: but he had thought it would not be well to do so during a Ministerial crisis, or when it might interfere with more important measures. At the present period of the Session he could hardly hope to proceed much further with the measure; all he could do would be to ask permission of the House to lay it on the table, with a view to proceed with it next Session. It would be most unwise and impolitic in the right hon. Chancellor of the Exchequer to oppose this Motion, as the House would no doubt adhere to its former judgment. But so little did he desire to embarrass his right hon. Friend in any way, that if he would only give him to understand that, next year, if the income tax were granted, and no unforeseen circumstances arose to make it impossible, he would repeal this duty, he (Lord R. Grosvenor) would be contented simply to lay the Bill on the table, or even not to do so much. If he could not have that assurance from the right hon. Gentleman, it would be his duty to press the Motion to a division.

Motion made, and Question proposed—

> "That leave be given to bring in a Bill to repeal the Attornies and Solicitors Annual Certificate Duty."

The CHANCELLOR OF THE EXCHEQUER said, it was his painful duty to resist the Motion. It would be far more agreeable to him if he could remit all the taxes—if he could say yes to all the numerous deputations who came to Downing-street asking for the reduction or remission of some tax or other. But, unfortunately, it was his duty to resist those applications which he did not think were founded on sound principles; and the present was one which he considered in that category. He had already carried through the House, to its last stage, the financial proposal for the year. Some had reproached him for not allowing a sufficient margin in the course of the present year; and the hon. Member for Buckinghamshire (Mr. Disraeli) had brought forward a Motion declaring that no reduction whatever of taxes ought to take place, and that no further revenue should be sacrificed. He could not suppose that the hon. Gentlemen who supported that Motion could possibly agree to the Motion of his noble Friend. He had felt it his duty to stand by the proposal he had made to the House; it would have been exceedingly unfortunate had he withdrawn from the country the boon promised in the early part of the Session: he was therefore bound to resist this Motion. He would put it to hon. Gentlemen on his own side of the House, whether, in their opinion, this was the first tax of which they should claim the repeal. They were in favour, generally speaking, of a reduction of duties pressing on the consuming population: would any one get up and say that this was such a tax? They had been in favour of the reduction of duties on raw material, as affording the means of employment to the people: would any one say that this was a tax interfering with the employment of the people? Hon. Members on the other side had expressed their opinion that the first reduction ought to be reduction of the income tax; but every sixpence they sacrificed in repealing a tax of this kind, so far prevented the possibility of the reduction they sought. If both sides of the House were of opinion that this was the first tax that ought to be repealed, he should have no more to say in opposition to it. If, on the contrary, they thought that it ought only to take its turn with other taxes, and that there were others which had a prior claim, let them resist this Motion. As the noble Lord did not propose the reduction in the present year, it would be more unwise on his part to give any pledge as to the next. He had reserved but a very moderate surplus after repealing the window duty, about 300,000*l.*; and, at present, they knew not what claims might be made upon them for the cost of the Kaffir war. Would it, then, be wise in him to promise, or for the House to pledge itself, to sacrifice 120,000*l.* a year in this tax, looking at the circumstances which might occur? If, in the course of next year, there should be a considerable surplus, and the House was prepared to maintain the income tax as it stood, then he would take into consideration what other taxes should be reduced or modified. Until they knew what would be the probable income and expenditure for next year, it would be unwise and injudicious to pledge themselves to sacrifice 120,000*l.* The contrary policy had always been acted upon by his predecessors. Should the House now pledge itself to repeal this 120,000*l.*, it would be to that extent incapacitated next year from reducing taxes which it might be thought more necessary to get rid of. The tax complained of was not an especial burden upon the attornies and solicitors; conveyancers and other parties paid the same tax. He hoped the House would not agree to repeal this tax, either in the present year or the next, till they saw what was their financial position, and until it was known whether the income tax was to be renewed or not.

LORD ROBERT GROSVENOR said, as his right hon. Friend had confined himself merely to general assertions, and had not ventured on the hopeless task of attempting to prove the justice of this tax, he would refrain from making any reply.

Question put.

The House *divided*:—Ayes 162; Noes 132: Majority 30.

List of the AYES.

Adair, R. A. S.
Alcock, T.
Arkwright, G.
Armstrong, R. B.
Bailey, J.
Baird, J.
Baldock, E. H.
Bankes, G.
Baring, H. B.
Barrow, W. H.
Bateson, T.
Benbow, J.
Beresford, W.
Berkeley, hon. H. F.
Blake, M. J.
Blandford, Marq. of
Blewitt, R. J.
Booth, Sir R. G.
Bremridge, R.
Brisco, M.
Buck, L. W.
Burrell, Sir C. M.
Castlereagh, Visct.
Cayley, E. S.
Chaplin, W. J.
Chatterton, Col.
Chichester, Lord J. L.
Christopher, R. A.
Clay, J.
Cocks, T. S.
Codrington, Sir W.
Coles, H. B.
Cowan, C.
Crawford, W. S.
Cubitt, W.
Davies, D. A. S.
Dawes, E.
Denison, E.
Duckworth, Sir J. T. B.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Du Pre, C. G.
East, Sir J. B.
Evans, Sir De L.
Evans, J.
Ewart, W.
Farrer, J.
Forbes, W.
Fox, S. W. L.
Fox, W. J.
Freestun, Col.
Freshfield, J. W.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Geach, C.
Gilpin, Col.
Gooch, E. S.
Goold, W.
Grace, O. D. J.
Greene, T.
Grenfell, C. P.
Grosvenor, Earl
Gwyn, H.
Hall, Sir B.
Hall, Col.
Hallewell, E. G.
Hamilton, G. A.
Hastie, A.
Heald, J.
Henley, J. W.
Henry, A.
Herbert, H. A.
Hervey, Lord A.
Heywood, J.
Higgins, G. G. O.
Hill, Lord E.
Hindley, C.
Hodgson, W. N.
Hogg, Sir J. W.
Hope, Sir J.
Hope, H. T.
Hornby, J.
Hudson, G.
Jones, Capt.
Keogh, W.
Kershaw, J.
Knightley, Sir C.
Knox, Col.
Lacy, H. C.
Lennox, Lord H. G.
Leslie, C. P.
Lindsay, hon. Col.
Locke, J.
Long, W.
Lopes, Sir R.
Lushington, C.
Meagher, T.
Martin, J.
Maunsell, T. P.
Maxwell, hon. J. P.
Miles, W.
Monsell, W.
Moody, C. A.
Morris, D.
Mullings, J. R.
Muntz, G. F.
Murphy, F. S.
Napier, J.
Newdegate, C. N.
O'Brien, J.
O'Connell, J.
O'Connor, F.
O'Ferrall, rt. hon. R.M.
O'Flaherty, A.
Packe, C. W.
Palmer, R.
Pechell, Sir G. B.
Peel, Col.
Perfect, R.
Plowden, W. H. C.
Power, Dr.
Prime, R.
Pugh, D.
Reid, Col.
Renton, J. C.
Repton, G. W. J.
Reynolds, J.
Richards, R.
Sadleir, J.
Salwey, Col.
Sandars, G.
Sandars, J.
Scholefield, W.
Scully, F.
Sibthorp, Col.
Smyth, J. G.
Somerset, Capt.
Spooner, R.
Staunton, Sir G. T.
Stephenson, R.
Strickland, Sir. G.
Stuart, Lord D.
Stuart, J.
Thompson, Col.
Thompson, Ald.
Thornhill, G.
Tollemache, hon. F. J.
Tyler, Sir G.
Tynte, Col. C. J. K.
Verner, Sir W.
Vyse, R. H. R. H.
Waddington, H. S.
Wakley, T.
Walmsley, Sir J.
West, F. R.
Whiteside, J.

Williams, J.
Williams, W.
Willoughby, Sir H.
Worcester, Marq. of

TELLERS.

Grosvenor, Lord R.
Stafford, A.

List of the NOES.

Abdy, Sir T. N.
Anson, hon. Col.
Armstrong, Sir A.
Baines, rt. hon. M. T.
Bell, J.
Bellew, R. M.
Berkeley, Adm.
Bethell, R.
Bouverie, hon. E. P.
Bowles, Adm.
Boyle, hon. Col.
Brockman, E. D.
Brotherton, J.
Brown, W.
Bruce, C. L. C.
Buxton, Sir E. N.
Campbell, hon. W.
Cardwell, E.
Carter, J. B.
Childers, J. W.
Christy, S.
Clay, Sir W.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cobden, R.
Cockburn, Sir A. J. E.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, R. W.
Crowder, R. B.
Currie, H.
Currie, R.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, J, E.
D'Eyncourt,rt.hon. C.T.
Disraeli, B.
Divett, E.
Douglas, Sir C. E.
Duncan, Visct.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellis, J.
Elliot, hon. J. E.
Estcourt. J. B. B.
Evans, W.
Fergus, J.
Ferguson, Col.
Fitzpatrick, rt. hn. J. W.
Forester, hon. G. C. W.
Forster, M.
Fortescue, hon. J. W.
French, F.
Glyn, G. C.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grenfell, C. W.
Grey, R. W.
Hallyburton, Lord J. F.
Hardcastle, J. A.
Harris, R.
Hatchell, rt. hon. J.
Hawes, B.
Headlam, T. E.
Heyworth, L.
Hobhouse, T. B.
Howard, Lord E.
Hume, J.
Hutt, W.
Jermyn, Earl
Labouchere, rt. hon. H.
Langston, J. H.
Lewis, G. C.
Lygon, hon. Gen.
Mackinnon, W. A.
M'Gregor, J.
M'Taggart, Sir J.
Mahon, Visct.
Manners, Lord J.
Marshall, W.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Mitchell, T. A.
Molesworth, Sir W.
Mostyn, hon. E. M. L.
Ogle, S. C. H.
Owen, Sir J.
Palmerston, Visct.
Parker, J.
Pendarves, E. W. W.
Philips, Sir G. R.
Pinney, W.
Ponsonby,hon.C.F.A.C.
Portal, M.
Pusey, P.
Ricardo, J. L.
Rich, H.
Robartes, T. J. A.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Seymour, Sir H.
Seymour, Lord
Sidney, Ald.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, J. B.
Smollett, A.
Somerville, rt.hn. Sir W.
Spearman, H. J.
Stuart, Lord J.
Thicknesse, R. A.
Thornely, T.
Towneley, J.
Trelawny, J. S.
Trevor, hon. T.
Tufnell, rt. hon. H.
Wall, C. B.
Willcox, B. M.
Wilson, J,
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wyld, J.
Wyvill, M.

TELLERS.

Hayter, W. G.
Hill, Lord M.

Leave given. Bill *ordered* to be brought in by Lord R. Grosvenor and Sir Frederic Thesiger.

THE BALLOT.

MR. H. BERKELEY rose to move for leave to bring in a Bill for the Protection of the Parliamentary Electors of Great Britain and Ireland by taking the votes by way of Ballot. The hon. Gentleman observed that never was it so important to make an effort in this cause as at the present moment. They were upon the eve of a general election, and it would be a struggle of no common order. It was one in which the landocracy bade fair to be arrayed against popular rights, in which all that wealth and power could effect would be effected against poverty and dependence, and in which the political bully would go forth to trample upon the rights of electors, unless there were interposed between him and his victims the protecting shield of the ballot. He called upon his hon. Friends, therefore, who had hitherto supported him in this Motion, to unite with him once again in advocating this cause, and in endeavouring to persuade the First Minister of the Crown that, without protection to Parliamentary voters, no plan of reform which he might contemplate would give satisfaction to the people, or could be otherwise than a nullity. He begged to tell the noble Lord that he might extend the constituencies, but that the action of open voting would contract them; that he might increase the number of electors, but that with it he would increase the arena of intimidation and corruption. Of what use would any Parliamentary reform be to the tenantry of great estates, or to the tradesmen of the cities throughout England, unless they were afforded protection against their landlords and their customers, and allowed to give a free and conscientious vote without fear of ruin? To introduce reform without the ballot, was to attempt to cure a superficial disease in the electoral system, while the cancer gnawing at its vitals was left unheeded. He knew no question which reflected so much ignominy upon its opponents as this question of the ballot. It was simply a proposition to give to the electors throughout the kingdom an undoubted and legal right; and its rejection by that House seemed to him to amount to a virtual condemnation of the purity of election. We, the advocates of the measure (said the hon. Gentleman), have torn the last rag of reasoning from your shoulders, and there you stand, denuded in the face of the world, an indecent picture of naked obstructiveness. He found, from the pages of *Hansard*, that the noble Lord considered that the present system worked well, and that he feared a change. The noble Lord had never been very explicit with regard to the change which he dreaded, but he feared a change. Now he asked him, could that system be said to work well, the terrors of which deterred a full third of the electors of this country from recording their votes, while it permitted the corruption and intimidation of the majority of those who did vote? which allowed forty-eight Peers of the realm and seventeen wealthy Members of Parliament to return to that House ninety-eight Members by direct unconstitutional interference, in spite, too, of the Sessional Orders made annually against the interference of Peers? which converted agricultural voters into a mere electoral flock of sheep? which, once in seven years, or oftener, converted this country into one vast arena of drunken confusion and corruption of all kinds? which was one great lie throughout? which granted to a man in theory that which it denied him in practice? and which complimented a man upon his liberty while it rendered him a slave? Yet that was the system which the noble Lord thought worked well. But, supposing for one moment that the result was good, then a good end was achieved by means the most abominable, the most abandoned, and the most unconstitutional. That was the way in which the good end was achieved, and upon the horns of the dilemma he was willing to leave the noble Lord. Now he invited the noble Lord to tell the House why when in England a man was so admirably protected in almost all his rights, he should be denied protection in his capacity of a Parliamentary elector. Why should this invidious distinction be made? For instance, a man might buy a carriage. After he paid the purchase money, and a tax upon it, he might drive where, when, and how he pleased—he was protected in that right. The same with a horse—tax and turnpike paid, he might ride the animal where he thought fit. But a man buys a freehold, rents a house, and, paying taxes, becomes entitled to a vote. You recognise his right to this vote on two conditions: the one, that he should not barter it for money; the other, that he should not place it at the disposition of a Peer of the realm. Then, says the elector, I consent; but grant me protection from the Peer and the persecutor. Now what is the reply? It is here—embalmed in the pages of *Hansard*. The opponents of the measure are filled with virtuous indignation. "Protection!" say they—"why, you coward! and you are a liar too, you wish to lie and to conceal it. You unmanly, un-English poltroon. Protection, indeed! why, you want to upset our glorious constitution!" Now, what makes this the more exquisitely absurd is, that all those among them who were directors of the Bank of England, all who were directors of the India House, all those of the Trinity House, all who were members of clubs in Great Britain and Ireland—and their name was legion—all of them sought the protection of secret voting—nay, so enamoured were they of it, that they could not erect a statue to the late Sir Robert Peel without the ballot; and a political club—and a great political club, too—was so in love with it that they not only elected, but expelled, their members by ballot. There had been an instance of that lately, and if they were to vote for giving protection to the voter by the ballot that night, to-morrow they would be expelled from their club by the ballot. When proposing this Motion last Session, he had ventured to make some statements upon the backsliding of certain hon. Members upon this question, and he had deeply deplored that the right hon. Baronet the Secretary of State for the Home Department should have held it necessary to withdraw his support from it, giving no better reason than that the action of public opinion had taken so beneficial an effect that the ballot was no longer needed. Upon this subject let him just call into court that illustrious witness who lately descended from the moon, and took up his station at Aylesbury. Surely some good counsel might be derived from an examination into the details which had been laid before them by that worthy. He passed by Aylesbury, however, with the brief observation, that, while the man from the moon spoke to the corruption, bribery, and treating that went on in that borough, intimidation also flourished in full force; and he did not believe that there ever was an election at which the screw was more severely put upon the electors by the landocracy surrounding the town, than in the election between Bethell and Ferrand.

And let the House remember that Aylesbury might be regarded as a type of what towns situated in the hearts of counties would be at the next general election. One word as to the Falkirk burghs. The hon. Member for those burghs had been returned from that nest of corruption as "duly elected." He had risen in his place, he had laid his hand upon his heart, and had assured the House that he had nothing whatever to do with drenching the electors with whisky; and it would be both personal and unparliamentary if they were to doubt the hon. Gentleman's word. There could be no question, also, but that the hon. Member for St. Albans could rise in his place, and lay his hand upon his heart, and assure them that he knew nothing whatever of "Bell metal," and was entirely innocent of "Sovereign Alley." But with reference to what took place at the last St. Albans election, he would quote from the report in the *Times* newspaper. The report, which was dated "St. Albans, Christmas eve," contained the following passages:—

> "The contest commenced at eight o'clock this morning—if contest it could be called—where an immense number of the constituency had long before the polling-day yielded to the blandishments and seductions of Mr. Bell's agents. The scene presented by the borough all day was anything but calculated to lead to the belief that Father Mathew's disciples were very numerous there. All business was suspended, the shops were closed, the ancient freemen came forth into the streets in the intensest state of hunger and thirst that ever fell on man with all the good things of the world around them, and a passer-by might have imagined that the crews of a shipwrecked and famished navy were making up for the privations of their rafts in the taverns and hostelries of this famous town. Towards midday the sights presented in the principal streets were absolutely disgusting. Drunken men and women were rolling and staggering about the streets, or lying in some instances in the curious places which inebriety selects. Postchaises were dashing about laden with the heaviest freights of drunken and 'independent' voters, smoking cigars and pipes, and indulging in short efforts of oratory."

The *Times* also gave an account of the close of the poll, when it appeared that both the candidates addressed the people. He did not find in Mr. Bell's speech much matter for comment. That hon. Gentleman merely told the drunken mob that they had greatly and gloriously distinguished themselves, and he found out that the conduct of his electors was the counterpart of that of the Guards at Waterloo. Mr. Carden, on the other hand, asserted that in his defeat he had achieved a victory (Mr. Carden knew nothing of the kidnapping which his witnesses would undergo), and that he had broken down the barriers which combined fraud, personal interest, and local corruption, had raised against him. In the course of his speech Mr. Carden used these remarkable expressions:—

> "I was told that if I would put the bribery oath to every elector I might win my seat; but I refused to do so, for I did not wish to peril the future happiness of those men who, having taken a bribe, would not scruple to swear they had never received one."

If confirmation of that opinion were needed, they had it in the recorded fact, that at one period of the proceedings, when the bribery oath was read, it was received by the pure and immaculate electors of St. Albans with shouts of laughter and derision. Indeed, they seemed to think the bribery oath an exceedingly good joke. He wished to remind the House, that, by establishing a system of secret voting, they would place the suborner entirely at the mercy of the suborned. They could not prevent a man from purchasing a vote, but they could prevent him from knowing whether the vote was paid in return for the bribe. By the operation of the ballot four distinct events would be cast into the shade: firstly, whether the elector whose vote had been purchased voted as the briber expected he would do; secondly, whether the elector so bribed voted for the opponent of the person for whom his vote was purchased; thirdly, whether the elector, after his vote had been purchased, might not split his vote between two opposing candidates; and, fourthly, whether the elector voted at all. Was it likely that 5*l*., 10*l*., or 20*l*. notes would be thrown into such an ocean of doubt and conjecture? He thought it was contrary to common sense to entertain such an expectation. He (Mr. Berkeley) had obtained on this subject the opinions of many persons who were accustomed to conduct elections, and they all concurred in the opinion that intimidation would be completely set aside by the ballot. They also considered that the ballot would be a preventive of bribery in all populous constituencies, though some doubt might exist as to its effect upon smaller constituencies. This was quite sufficient for him, for, intimidation once destroyed, he would be well contented to take the chance of bribery, diminished as that chance would be by secret voting. He conceived that intimidation involved the principle of bribery in its worst form.

They might reward an elector for his vote, and in so doing they were not guilty of any act of tyranny, although they acted unconstitutionally; but when they intimidated an elector to give his vote, or punished him for giving it, they acted not only as tyrants but as robbers, and therefore he held that intimidation was infinitely worse than bribery. Among the evils which intimidation included he would place exclusive dealing, the withdrawal of custom, the ejectment of tenants, and those inquisitorial searches into the lives and finances of electors, the results of which were used to twist from them false votes. In order to show the effect of the present system, he would lay before the House some particulars respecting the last election at Bath. They had been told by his hon. Friend the Member for Birmingham, that, at a contested election for that borough, at least one thousand electors abstained from voting in consequence of intimidation. Now he (Mr. Berkeley) had written to a gentleman with a view to ascertain the effect of that system of intimidation in the city of Bath, and his friend had sent him a sort of analysis of the voting. His correspondent said—

> "It was a quiet election, no beer-houses opened; there were a few instances of direct intimidation, but they were the exception, not the rule. On the register 3,130 electors, of whom only 2,151 polled, namely, 1,110 for Scobell, and 1,041 for Sutcliffe—unpolled, 879; of whom 250 quitted or dead, 100, mostly Tories, out of town, 50 ultra-Radicals who did not think Captain Scobell enough in advance, 30 Catholics who objected to his opinions on religious matters going too far. There were consequently 449 who dared not to vote, and who, upon being canvassed, replied, 'We wish Captain Scobell success; we will work for him privately, but if we vote we may as well close our business.'"

Now if there were 449 electors in Bath deterred from voting by intimidation, how many did the House imagine were deterred from placing themselves on the register? This, then, was the electoral system which worked well! He (Mr. Berkeley) asked for the ballot as the greatest boon that could possibly be bestowed upon the agricultural constituencies. The right of tenant-farmers to vote was now a mere nullity. He thought the best plan that could be adopted under the present system on great estates, would be to allow the steward to send in a list of voters at the time of the election to the sheriff of the county, with the name of the candidate for whom they voted appended to it. These unfortunate and degraded men would then be saved from having to ride to the next market town to tell a lie. He could assure the House that he felt a deep interest for the tenant-farmers of England. It was true he had felt it to be his duty to object to them in the character of soldiers or constables, solely on the ground that they were undisciplined and disobedient, but he would do them justice in their civil capacity. There was not a better drilled or more obedient body of electors in Europe. The adjutant and the colonel had no means of compelling obedience, but it was not so with the landlord and the steward. The farmer might refuse to go out to fight, but he must not refuse to go out to vote. If he refused to go out to fight, no punishment followed; but if he refused to go out to vote, condign punishment ensued. He (Mr. Berkeley) was prepared to assert that from 1835, when evidence was taken on the subject before a Parliamentary Committee, down to 1851, the state of tyranny and slavery in which the agricultural constituencies, were held, had continued with unabated rigour. At present the farmers, galled by low prices and high rents, had begun to murmur at this sort of dispensation, and were inclined to believe that they were not truly represented in that House. The last South Nottingham election offered a striking instance of this fact. He held in his hand the *Times* report of the proceedings at that election. He had selected the *Times* report, firstly, because the reports of that paper were generally correct, and admirably written; and, secondly, because the *Times* had manifested a direct bias against the question he then brought forward. It could not be supposed, therefore, that the statements he was about to read were written with any bias in favour of his proposal. He found in the *Times*, after a statement of the result of the election, these remarks:—

> "The result astonishes everybody. That in the most aristocratic county in England, with the landlords, almost to a man, banded together in support of their nominee, a scion of one of the largest landed proprietors in the county, he should be defeated by a plain country gentleman, a retired solicitor, with scarcely an acre of land of his own in the county, appears truly marvellous, marvellous indeed!"

How did the *Times* account for that marvel? The *Times* said—

> "It can be only accounted for, by the fact of the losses of the occupiers of land for the last two years rendering them indifferent to whether they be expelled their homesteads or not."

The *Times*, therefore, admitted that the penalty for a free and independent vote was expulsion from a homestead. The account proceeded:—

> "Mr. Barrow has for many years presided at and taken part in their farmers' clubs and meetings. Lord Newark has never been seen by one farmer in a thousand until this contest, and during this election many who voted for him did so with extreme reluctance. In some cases farmers were actually dragged from their hiding-places in hay or straw stacks, taken to the poll, and forced to vote against their wishes. In many instances the answer to the question, 'For whom do you vote?' was 'For Lord Newark, I suppose,' the unwilling tenant looking at the same time into his landlord's face for a nod of assent."

Surely the House, after hearing this tale of humiliation and degradation, selected from the *Times*, an advocate of open voting, would permit him to apostrophise that great organ of the press, and exclaim *O tempora! O mores!* He would read one very short extract more from the *Times*, for the benefit of any hon. Members who might be sufficiently weak and deluded to believe that the Sessional Orders against the interference of Peers were ever intended to be carried out:—

> "In the Bingham district a very clever ruse was played off, which had the effect of turning some votes for Mr. Barrow. During the previous night bills were posted in every village purporting to come from a nobleman who has been conspicuous in biassing his tenantry in favour of Lord Newark, of which the following is a copy, 'South Nottinghamshire Election: Lord Chesterfield hereby announces to his tenantry that he takes no part in this contest, and he wishes them to exercise their elective franchise whichever way they feel disposed.—Bretby, Feb. 12."

He would simply put it to the House to consider—when this miserable trickery, this mere election squib, could carry the votes of some electors—what effect the ballot would have had on the election for that county. He considered that it would be much better to take the franchise away altogether from the tenant-farmers than to expose them to the degradation to which they were now subjected. He asked country gentlemen how they could reconcile it to their consciences to perpetuate a system so cruel and unconstitutional in its operation? At one time the country gentlemen eulogised these unhappy people to the skies, and described the tenant-farmers as the free, hardy, independent cultivators of the soil; while at another time those gentlemen were found driving their tenants to the poll like a herd of swine to the next market town. At one time the country gentlemen placed these tenant-farmers on horseback side by side with themselves, dressed in gaudy

Mr. H. Berkeley

uniforms, their bands playing "See, the Conquering Heroes come!" while, at another time, these same gentlemen were ferretting the farmers like rats in haystacks and strawstacks, where they had crawled in their degradation, to prevent themselves from being compelled to violate their consciences and to tell a lie in the face of God, to the detriment of mankind. Oh! for the pencil of Hogarth, or the stereotype of *Punch*, to immortalise the discovery and dragging forth of the glorious yeomanry and independent electors from haystacks and strawstacks! for, in a future and more improved age, some pictorial monument would surely be necessary to convince people that such things could be in England in the nineteenth century. He would give the House one more instance of the working of the electoral system in an agricultural district—the county of Gloucester. It appeared that there was in that county a Mr. Handel Cossham, of Wickwar, who had been a very active partisan of the defeated candidate at the last West Gloucestershire election. He believed his hon. relative would confirm his statement that Mr. Cossham was a highly respectable man. Mr. Cossham had lately joined a total abstinence society, and at a meeting of that society, held in Bristol on the 10th of February last, which was reported in the *Bristol Mercury*, he made a speech remarkable for its good sense, its moral courage, and its penitential tone. Mr. Cossham said—

> "That there were many political evils connected with strong drink. He had a great deal to do with the last West Gloucestershire election: he repented it now, and ever should. The drinking at that election was enough te corrupt all England, much more the county of Gloucester. The reason they had not better men to represent them was that the drinking custom had made elections so expensive that the best men would not come forward, while those that did took good care when they got into Parliament to make the electors repay what they had cost them."

Now he (Mr. Berkeley) found that in this speech Mr. Handel Cossham was, whether consciously or unconsciously he could not tell, expressing the sentiments of old Daniel Defoe, and almost in his very words. The coincidence was most remarkable. He (Mr. Berkeley) might remind the House that in 1708 Daniel Defoe published a review, in which he lashed the electoral system of the day, and recommended the ballot. It would be seen, on reference to *Hansard*, that Mr. Ward quoted with considerable effect from that work when he brought the question of the ballot before the House in 1842. Now, in 1710, two years after Defoe's work was published, a Bill to give electors the protection of the ballot passed through the House of Commons, but was rejected by the House of Lords. He (Mr. Berkeley) considered the rejection of that Bill most unconstitutional, because the House of Lords encroached on the privileges of the House of Commons when they interfered in the electoral arrangements of that House. The Lords of that day, however, seemed to have been as determined as the Lords of the present day to keep a grasp on the collars of the constituencies, and they knew that if the people got the ballot they would be compelled to relax that grasp. Defoe's exertions, nevertheless, did not cease; but in 1716 he published another work, entitled *Thoughts on Trade and Public Spirit*, which contained fresh strictures on the corruption of the electoral system. Now, the coincidence of opinion between Daniel Defoe and Mr. Handel Cossham was remarkable; their thoughts seemed to go *pari passu*. For instance, Mr. Handel Cossham strongly deprecated the political evils of strong drink, and bore penitential testimony to those evils. Daniel Defoe, on his part, said—

> "The frequent orders of the House against treating to strong drink, bribery, and corruptions in elections, have had but little effect; for most people believe they are easily evaded; but one great fault lies in the electors, which are generally of that sordid temper to sell their votes, birthrights, and country for a small sum, or, what is worse, a pot of ale."

Again, Mr. Cossham believed that great expenses were incurred at elections, and that when men got into Parliament they contrived to repay themselves for their outlay. What said Daniel Defoe?—

> "In this bad age men go to great expenses to be returned for some pitiful borough; but you must not suppose this is for public spirit, for there are few men to be found though of never so great estates that will serve without round salaries, if they have not strong inclinations to perquisites also."

And this sterling old writer concluded by declaring that "the corruptions at elections are so rivetted in the nature of the people, that the only remedy is by way of balloting." He (Mr. Berkeley) begged to thank the House for the attention with which they had heard him, and would, in conclusion, make an appeal to the noble Lord at the head of the Government. That noble Lord stood pledged to further Parliamentary reform. He (Mr. Berkeley) was grateful to the noble Lord for that pledge, but he hoped the noble Lord would not turn aside from this great branch of the question. Shortly after the passing of the Reform Bill, Mr. Grote came to the conclusion that, in order to complete the electoral system, protection to the voter was necessary. He (Mr. Berkeley) did not know how many hon. Members might vote with him that night, but he did know that there were 150 Members of that House who agreed with Mr. Grote, and among them were those bearing great names, men remarkable for talent and wisdom, with whom the noble Lord was in daily communication. He (Mr. Berkeley) was proud to number among the names of those who supported the question the revered name of Romilly—one, who combined with that name high position, great talents, and great popularity. He (Mr. Berkeley) was also supported in his opinions on this subject by the Attorney General, than whom no legal gentleman was better acquainted with the present electoral system and its working than his learned Friend. He was supported, also, by the high authority of the Solicitor General, whose eloquence and sound judgment went hand in hand, and whose brilliant defence of the question could not easily be forgotten when the House came to a resolution in its favour. But, if he were strong in modern legal authority, was he not equally so in ancient legal authority? He had, on a former occasion, shown the House that Lord Chief Justice Holt considered it "a great privilege to elect those who are to bind life and property by the laws they make—a privilege not to be deputed to another." This great privilege, as he (Mr. Berkeley) had shown, however, was not deputed to, but was actually seized upon, by others. Sir W. Blackstone laid it down that the House of Commons "should be elected of the people, to make the laws for the people, and to check the tendency of laws framed by the House of Lords." He (Mr. Berkeley) had shown that this great constitutional maxim was completely set at naught by the fact that the majority of the Members of the House of Commons were the nominees of the House of Lords. He begged to ask the noble Lord at the head of the Government to reconsider the question for the sake of the people of England. If the noble Lord would give a pledge that he would take the subject into his consideration, he (Mr. Berkeley) would most readily withdraw the Motion. If the noble Lord, however, declined to do so, he had only then to ask leave to bring in a Bill to give to the Parliamentary electors of Great Britain and Ireland the protection of the ballot, as the only means of enabling them to discharge a solemn duty, and of securing to them the free enjoyment of an important right, and a great privilege.

Motion made, and Question proposed—

"That leave be given to bring in a Bill for the Protection of the Parliamentary Electors of Great Britain and Ireland by taking the Votes by way of Ballot."

Mr. ELLIS seconded the Motion. He had had an opportunity of seeing the intimidation which was practised at elections, and he was persuaded that the voter could not be protected unless Parliament extended to him the shield of the ballot. He looked upon the noble Lord (Lord John Russell) as the natural leader of reform; and in the name of the electors of this country he called upon him to reconsider this question. He, therefore, expected that he would make the ballot a part of his promised reform. The principle of the ballot was adopted in all their clubs, in their literary and charitable institutions; and why should it not be given as a shield to the tenant-farmer and the tradesman? He admitted that it was natural for a tenant to vote for a good landlord, and that would still be done, but all landlords were not good. He knew that working men in manufactories had been coerced by both parties in a manner which was disgraceful to the country. He hoped the time had arrived when an end would be put to these things. It could not possibly last much longer. The people would demand their rights, and whoever was the Minister he would be obliged to grant them. He belonged to the people; he knew their wants, their wishes, and their requirements, and he knew that this was one of them. His hon. Friend who made the Motion belonged to a proud aristocratic line, and therefore the more honour was due to him for appearing as the advocate of the measure. He did not believe there could be any independence in a borough where there were only 200 or 300 electors unless voting by ballot was in operation.

Mr. HUME said, he had heard with the greatest satisfaction the speech of the hon. Gentleman who had placed this Motion before the House. To him (Mr. Hume) that speech appeared unanswerable, and he could not understand how any man professing a desire to give freedom and practical reform to the people could hesitate for a moment to give his support to a Motion for vote by ballot, seeing that it was intended to afford protection to the constitution, by giving a constitutional defence to the people in exercising their right to elect Members to that House. He was sorry that there should be apparently any difference of opinion on that subject. He unfortunately lost the opportunity he had of bringing forward his Motion on Parliamentary reform on a previous occasion, and therefore he was obliged to give notice that he would bring it on as an Amendment to the Motion of his hon. Friend (Mr. H. Berkeley). But he had since considered that their object was the same, and though he believed that the country required more than was proposed by his hon. Friend, he should be sorry to interfere with any proposition by which that House was to be made the constitutional organ to represent the wishes and feelings of the people at large. He asked the noble Lord at the head of the Government to act when he had the power, in the way in which he wished to act when he had not the power. It was by that means that they proved the sincerity of men. At times when the hopes of reformers were low, when the chances of their success were but small, still the noble Lord's voice was heard assisting the cause. What then were the noble Lord's sentiments? In 1832, as soon as he had the power, the noble Lord came forward as the organ of the then Liberal Government, and announced the Reform Bill, which was subsequently passed. He (Mr. Hume) asked no more from the noble Lord than the fulfilment of the sentiments which he then expressed. The noble Lord declared that the time for the nomination of Members of Parliament had gone by—that the people of England would no longer permit Peers of the realm to nominate Members of the House of Commons, who ought only to be elected by the people. Then the noble Lord, in bringing forward a measure for the extension of the suffrage, declared that there ought to be no constituency with a less number than 300, and that he hoped to see in some boroughs double that number. Those who opposed the Reform Bill in that day often reproached its promoters with reaping little or no advantage from it; but the benefits which that Bill had conferred on this country, he (Mr. Hume) was unable to estimate. No man could tell what might have been the consequences if the old system had been persisted in, and if the people of England, let loose, had acted as the people of other countries had done. But there were two points reserved by the noble Lord in that introductory speech—namely, the ballot and triennial Parliaments. On that occasion the noble Lord said these were points of great importance, but he was anxious to see the trial which would be made of the reforms he proposed; if it should be found they were incomplete, then would be the time to bring forward the questions of the ballot and triennial Parliaments. He (Mr. Hume) would tell the noble Lord that the advantages they had contemplated from the passing of the Reform Act had not been produced, and the time was come when he ought to propose that very reform of the ballot which he held back until a trial was made of the Reform Act. But he (Mr. Hume) was not satisfied with that single reform. He considered there were other and more important reforms necessary, the most important of which was the extension of the franchise. Believing as he did, on the authority of our best and most constitutional lawyers—Blackstone and others—that every man in this country who paid taxes, and performed the duties required of him, as an Englishman, by the State, ought to have a voice in the election of representatives to that House, he had ever been the humble advocate of an extension of the suffrage, though he was not bound or wedded to any particular mode of extending it. He had put down first in his Motion extension of the suffrage, and protection to all persons in the exercise of that suffrage. He then took the second point which the noble Lord reserved, namely, the duration of Parliaments, which he had often heard the noble Lord say it might be desirable to limit to four years. That would certainly be better than seven years; but in his (Mr. Hume's) opinion three years would be preferable to four years. It was to him (Mr. Hume) a matter of economy. The House might be surprised when he said that on economical principles there ought to be a reform in the representation. He was old enough to recollect the struggle that was made before the French war to obtain a reform in Parliament; and he told those who then resisted reform that they desired that war in order to crush the principles of reform, and sought to prevent the spread of those principles by banishing the persons who advocated them. And what had been the result? In 1792 and 1793, when there was the same demand for reform in this country that there was now, what was the state of our charges, and what was the amount of the debt? The amount of the debt was then about 240,000,000*l.*, and the annual charge 9,250,000*l.* They went to war in order to crush reform principles; they failed in their object, for since then a greater degree of reform had been obtained than was ever contemplated by the reformers of 1792. On the termination of the war there was an addition to the debt of 600,000,000*l.*, leaving an annual charge of 21,000,000*l.* on the country. That was the result of the efforts of the landed proprietors who obstructed the progress of reform. He had no hesitation in saying he looked to a reform in the constitution of that House as a means of lessening taxation and checking extravagance in the public expenditure. The House of Commons might be said to be the taxing organ of this country, and unless it was a perfect machine, and acted on sound principles, they could not effect those changes which he was anxious to see carried out, both in their legislation and their expenditure. He would not read the proceedings at a meeting of the "Friends of the People," in that day, in which an ancestor of the noble Lord, and the Duke of Richmond, and Colonel Sharman, the father of his hon. Friend the Member for Rochdale, took part; but he might state that the object of the reformers of that period was to remove from the House of Commons all the influences which prevented beneficial changes in the constitution, and which upheld a system of class interests in that House. He said, the noble Lord ought to profit by the example of the history of that day. He (Mr. Hume) would ask if it could be reasonably expected that peace and contentment should reign in this country, if the Legislature persisted in denying to six out of every seven males in the country the right of a voice in the election of representatives? With regard to the share which the people had in the representation, every other country in Europe, Russia excepted, stood superior to England; and was such a state of things to be tolerated by the artisans of this country? He therefore counselled the noble Lord at this time, when employment gave wages, and wages gave contentment, that this was the moment for him to come forward and grant an extension of the suffrage, and the protection of the vote by ballot. He (Mr. Hume) was anxious that something should be done. New circumstances had taken place since he had last proposed this question. The policy of the Government had been altered, and the noble Lord himself had declared that every colony connected with this country was entitled to British institutions—meaning thereby responsible government—and that the people should elect those who governed them. Another event had occurred which he regarded with great satisfaction. They had had a representation in Ireland on the principle of property and assessment. Was it possible, under these circumstances, that the people of England would remain contented with the existing system? He held in his hand a paper taken from the Parliamentary records, which showed that in Calne, in Reigate, and in other boroughs, there were only from 150 to 250 electors. He therefore asked the noble Lord to redeem the pledge which he gave. In five of the metropolitan boroughs there were 89,000 electors, who elected twenty-four Members; whilst in twelve other boroughs—namely, Andover, Knaresborough, Tavistock, Thetford, Evesham, Marlborough, Lymington, and five others, with a body of electors numbering only 3,509—the same number of Members were returned as in those five metropolitan boroughs. The inequality was so great that he was satisfied it could find no advocate in this country. Unless the ballot was to be included in the noble Lord's scheme of reform next year, it would not give satisfaction. It would not give that protection to the voter which his (Mr. Hume's) hon. Friend (Mr. H. Berkeley) had shown was so important, even with a limited constituency. He could not help asking why were the benches opposite so empty? It was because the hon. Members who usually occupied them were regardless of the interests of the people. He hoped that would be borne in mind by the people of England, if they were to have a general election next Session, which seemed probable. He thought it was more than likely that the electors would take into their consideration this important fact, that, few as the electors were, if they would but act honestly, they might send a very different order of representatives to that House—men taken from the middle classes who would attend to their interests, and be the means, in an economical point of view, of bringing about a great reduction in the public expenditure. He (Mr. Hume) was anxious that the division should simply be on the ballot. Some of his friends had told him that his Amendment was too extensive in its scope. He was desirous of taking from every man the pretence of not coming to a decided vote. Notwithstanding, therefore, the terms of his Amendment, he should not press it, but content himself with simply supporting the Motion of his hon. Friend (Mr. H. Berkeley). It was his earnest desire to see the reform party set up, and again acting with the energy and principle which formerly characterised them. The noble Lord had allowed that powerful reform party to linger on from year to year, until it was almost inanimate. It was in the power of the noble Lord, by a satisfactory and well-timed measure of reform, to reanimate and reunite that party. If he availed himself of the opportunity which now presented itself of doing that, he would be backed by the people, and success would attend any reasonable and proper measure of reform which the noble Lord might introduce.

Captain SCOBELL said, he could assure the House that he had had no intention of addressing them that evening, but having had the honour of presenting a petition from the city which he had the honour to represent, which was numerously signed, and which bore on this subject, he could not remain silent. He knew that there could be little novelty in connexion with that topic. Perhaps he himself was the greatest novelty, being the last person who had entered the House. He had declined to canvass the three thousand electors of Bath, considering the office of canvassing not merely unnecessary but degrading. He took the more open course of meeting his constituents in their several wards. He had, therefore, had full opportunity, both personally and from those gentlemen who had learned the views of the electors, to know the fact that great intimidation was used, that threats had been held out to tradesmen, that various means, shakes of the head in some instances, sending for bills in others, were not very usual, but were not unusual means of intimidation resorted to in the city of Bath during the contest. He might be asked whether he was in favour of vote by ballot. He would say if a better plan could be produced for protecting voters, let it supplant the ballot; but as they never had heard of a better plan, and as the ballot had been established in different countries, it must be assumed that the ballot was the only practicable plan. It was no new thing for him to be a friend of the ballot. Some twelve or fifteen years ago he had had considerable experience at an election, and had then means of closer observation, perhaps, than recently, because he had canvassed some of the constituency in the case to which he referred. It was no unusual thing for him to find a person telling him in a whisper, "I wish to give my vote to the Liberal side, but I dare not. Say nothing of it, Sir." When he reverted to incidents which had occurred within the last two or three weeks, he could not, as an honest man, as a faithful representative, abstain from declaring in that House, on the first occasion on which he had addressed it, the sense he entertained of the justice, expediency, and absolute necessity of sheltering men in the exercise of that right which the constitution conferred on them. It was worse than trifling with the population of this country to put into the hands of constituencies the power of electing representatives without giving them the means of using it independently. The petition to which he had alluded directed the attention of the House to a hardship which the constituency he represented now felt, respectfully stating that—

> "The electors of Bath had lately proceeded to elect a Member for the city; that in the exercise of that right, and in the discharge of that duty, the petitioners found very many electors intimidated from giving votes by threats of ruin to their families."

They properly told the House that it was a duty they had to perform—that they were trustees, as it were, for those who had not votes; for there were persons who must work the constitution out of doors, and who sent persons to that House to work the constitution within doors. If he might venture to add his voice to those which had been addressed to the noble Lord at the head of the Government, whose speeches he had so often read and admired out of doors, he would entreat the noble Lord to give reform in time. What was given, should be given freely, and it would be found to possess treble the value which would attach to it if it were begged for, and, at last, obtained almost by force. That very day he had received a letter from one of his constituents, which contained these words:—

> "I have been discharged by my employer for voting for you. I have been obliged to pawn some of my things to maintain my family; and all the remedy, or rather no remedy, I can get from my employer is this, 'Go to the gentleman whom you voted for.'"

That was but one instance among many; and when such cases could be accumulated, as they had been by the hon. Gentleman who introduced the Motion, it was time they set about doing their duty, and securing to those to whom they looked to elect proper representatives proper means of doing so. The petitioners went on to remark that the public declaration of voting created painful divisions in families and in society. The fact had been glanced at in the debate, that all private clubs used the ballot; and the object was evidently to prevent clamour, malice, and the display of angry passions. The means were excellent for attaining the end in view; and when the ballot was found to be good for the protection of those who had only the indulgence of bad feelings to guard against, how much more fit was it to be applied in a case where it would afford still further protection—protection to men who, without it, must either suffer ruin, or sacrifice their principles. He therefore joined his humble voice to the solicitations of others, in urging on those who had the remedy for the existing evil in their own hands, that when they were before the country next year with a new Reform Bill, they would take care to make it a liberal measure; for if it were a little measure the people would not be satisfied; and when they got that little they would try to get more.

Question put.

The House *divided*:—Ayes 87; Noes 50: Majority 37.

List of the AYES.

Adair, H. E.
Adair, R. A. S.
Armstrong, R. B.
Bass, M. T.
Berkeley, C. L. G.
Bernal, R.
Blake, M. J.
Blewitt, R. J.
Brown, H.
Clay, J.
Cobden, R.
Cockburn, Sir A. J. E.
Collins, W.
Crawford, W. S.
Crawford, R. W.
Currie, R.
Dawes, E.
D'Eyncourt, rt.hn. C.T.
Duncan, Visct.
Duncan, G.
Evans, Sir De L.
Evans, J.
Evans, W.
Ewart, W.
Fergus, J.
Ferguson, Col.
Fox, W. J.
Geach, C.
Gibson, rt. hon. T. M.
Granger, T. C.
Grenfell, C. P.
Hall, Sir B.
Harris, R.
Hastie, A.
Henry, A.
Heyworth, L.
Hobhouse, T. B.
Hodges, T. L.
Hume, J.
Johnstone, J.
Kershaw, J.
Langston, J. H.
Lushington, C.
M'Cullagh, W. T.

M'Taggart, Sir J.
Meagher, T.
Milner, W. M. E.
Moffatt, G.
Morris, D.
Muntz, G. F.
O'Brien, J.
O'Connell, J.
O'Connor, F.
O'Ferrall, rt. hon. R. M.
O'Flaherty, A.
Pechell, Sir G. B.
Perfect, R.
Pigott, F.
Pilkington, J.
Power, Dr.
Ricardo, O.
Rice, E. R.
Robartes, T. J. A.
Roche, E. B.
Salwey, Col.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Scully, F.
Smith, J. B.
Stansfield, W. R. C.
Strickland, Sir G.
Stuart, Lord D.
Stuart, Lord J.
Thompson, Col.
Thompson, G.
Trelawny, J. S.
Villiers, hon. C.
Wakley, T.
Walmsley, Sir J.
Wawn, J. T.
Willcox, B. M.
Williams, J.
Williams, W.
Willyams, H.
Wilson, M.
Wood, Sir W. P.

TELLERS.
Berkeley, H.
Ellis, J.

List of the NOES.

Armstrong, Sir A.
Baines, rt. hon. M. T.
Baird, J.
Baring, rt. hn. Sir F. T.
Barrow, W. H.
Bell, J.
Blackstone, W. S.
Boyd, J.
Bremridge, R.
Broadley, H.
Brockman, E. D.
Campbell, hon. W.
Carter, J. B.
Cayley, E. S.
Craig, Sir W. G.
Crowder, R. B.
Currie, H.
Denison, E.
Denison, J. E.
Dundas, G.
Evelyn, W. J.
French, F.
Frewen, C. H.
Gwyn, H.
Halford, Sir H.
Hallewell, E. G.
Hatchell, rt. hon. J.
Heald, J.
Heathcote, Sir G. J.
Labouchere, rt. hon. H.
Langton, W. H. P. G.
Lewis, G. C.
Lockhart, A. E.
Lopes, Sir R.
Matheson, Col.
Moody, C. A.
Newdegate, C. N.
Prime, R.
Richards, R.
Russell, Lord J.
Sandars, G.
Seymour, H. D.
Seymour, Lord
Smollett, A.
Townley, R. G.
Vane, Lord H.
Walsh, Sir J. B.
Willoughby, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.

TELLERS.
Hayter, W. G.
Grey, R. W.

Bill *ordered* to be brought in by Mr. H. Berkeley, Mr. J. Ellis, and Mr. Hume.

POOR EMPLOYMENT (IRELAND).

MR. SCULLY rose to move a Resolution to give effect to the employment of the inmates of workhouses in reproductive labour, so as to endeavour to make them self-supporting. He said, his strong conviction was, that the existing system was injurious, not only to the ratepayers, but to the morals and habits of the inmates of workhouses. There were two leading objections taken by the Government and the Poor Law Commissioners to the employment of the inmates of workhouses on reproductive labour. They stated, in the first place, that the uniform effect of the introduction of such a system would be to derange the discipline of the workhouses; and, in the second place, that it would bring the labour of the paupers into direct competition with that of the industrious classes out of doors. These were serious objections, if true; but he was prepared to show that they had no foundation in fact, and that the introduction of a wise and judicious system of employing the able-bodied poor in workhouses was attended with effects the very reverse of those contemplated by the Poor Law Commissioners. In those workhouses where it had already been carried out—such as Cork—the result was very remarkably in opposition to that anticipated by the Commissioners. The master of Cork workhouse stated, that previous to his appointment, the system adopted in the house had been a total failure, but that the employment of the inmates during the last two years on productive labour, and the use of a training school, had been attended with the most signal success; a marked change for the better had taken place, and one of the most significant proofs of this was, that the prison cells had been taken down, and workshops established in their stead. Indeed, it appeared that, if allowed by the Legislature, this workhouse could manufacture not only for its own wants, but for those of other workhouses in Ireland. He could mention other workhouses where similar effects had been produced, though the principle had not been carried out to the same extent. In Clonmel, according to the statement of the master, the industrious employment of the inmates had given increased facilities for maintaining discipline instead of deranging it; and the same effect had been produced at Waterford and other workhouses. These facts were a complete answer to the objection of the Commissioners, that the discipline of the houses would be interfered with. The other argument they made use of, viz., that it would bring the labour of paupers in workhouses into competition with that of the industrious poor out of doors, would be a very serious one if the case of Ireland was similar to that of England. But they were, in truth, very different. He should be only too happy to see manufactures extended to Ireland; but, virtually speaking, the south and west, and a great part of the east of Ireland, were wholly devoid of manufactures, and it was only in the north that manufacturing industry prevailed. How, then, could the inmates of the workhouses compete with the labours of the poor out of doors; and were they to maintain them in idleness in the workhouses from some imaginary fear of a competition that did not exist? There were in the workhouses of Ireland from 90,000 to 100,000 poor just at that age when they might be made, by proper training, useful members of society; but instead of being taught to become independent members of society in after life, they were so treated as to render them burdens to the different Unions of Ireland, to become paupers for life, and to leave no other remedy in the hands of the guardians but that of emigration. They were employed in breaking stones, picking oakum, and other occupations of that kind; and he would put it to the House whether that was employment suitable for the able-bodied poor of Ireland? In one of the Dublin Unions there were over 800 women, and how did the House think they were employed? They were absolutely engaged in bands of fifty driving capstan mills—a kind of employment on which it was disgraceful to have women employed, one that tended to make them lose all self-respect and correct moral feeling. The numbers at present in the workhouses of Ireland were enormous, and, he was sorry to say, they were on the increase daily. He found, from a return he held in his hand, that the number of paupers in the workhouses in the county of Tipperary had increased from 12,500, in 1848, to about 23,800 last year. But, though the paupers were thus increasing, the work provided for them was not increasing in any thing like the same proportion. It had been clearly shown by correspondence with the Poor Law Commissioners that had been published, that the officers of the Boards of Guardians were anxious to carry out the system of employment which he now recommended. One reason he would urge in favour of his Motion was, that it would make the inmates of workhouses, instead of becoming emigrants, the means of teaching others in their own country works of a useful nature, not only in agriculture but in manufactures of different kinds; and he was satisfied that the great evil in Ireland, as regarded manufactures, and one of the chief obstacles to their progress, was the want of skilled hands.

Motion made, and Question proposed—

"That, in order to lighten the severe pressure of Poor's Rate in Ireland, it is expedient to facilitate by every means the employment of the inmates of workhouses in reproductive labour, so as to make these establishments, as far as possible, self-supporting; and that it is the duty of the Poor Law Commissioner to see so desirable an object fully carried out."

MR. O'FLAHERTY seconded the Motion. He would appeal to the good feeling of the right hon. Baronet the Chief Secretary for Ireland, who was a Poor Law Commissioner himself, and entreat him to pay attention to the statement which had been made as to the condition of the workhouse paupers in Ireland, and the means by which that condition might be ameliorated. He held in his hand a return from the Union of which he was himself the Chairman, showing that the only way of carrying out the Poor Law in that country without pauperising the whole community, was by adopting the self-supporting system. In his Union it had proved to be a most successful experiment. They had saved in the space of about eleven months upwards of 1,000*l.* in the expenses of the workhouse. He hoped, therefore, the Commissioners would not throw any unnecessary impediments in the way to prevent its being extended all over Ireland.

SIR WILLIAM SOMERVILLE could assure his hon. Friends the Mover and Seconder of the Motion, that he was fully alive to the importance of the subject to which the Motion referred. It was at all times of great importance, but at the present moment, considering the crisis through which Ireland was still passing, and the great pressure which that country had to sustain, by reason of the poor-rates, it became particularly important. The Motion referred to two distinct matters—1. The industrial employment of the pauper; and, 2. The reproductive labour of the pauper. Now, the Poor Law Commissioners had always been desirous of giving useful employment to the paupers in the workhouses, and that upon the self-supporting principle; but when it was proposed that the paupers should be employed in what was called reproductive labour—that was to say, that the produce of their labour should be taken into the market, and there compete with the produce of free labour—that the pauper labourer should compete with the independent labourer—the question then assumed a totally different aspect. It must be remembered that the inmates of a workhouse were found at the public expense with lodging, food and clothing. If those inmates were to be employed in manufactures, and the produce of their labour were to enter into the markets and there be sold in competition with the produce of free labour, it was evident that free labour could not successfully sustain that competition, and that the independent labourer must, in his turn, become the inmate of a workhouse. A distinction had been made between agricultural labour and manufacturing labour; but it seemed to him that the principle equally applied to both descriptions of employment. Supposing an extensive farm were attached to a workhouse, and, by means of pauper labour, large quantities of wheat, oats, potatoes, and other articles were produced, it was quite clear that that produce might be carried into the market, and that you might at any time undersell the farmer. Was it not obvious, then, if the principle contended for by the hon. Mover were extensively adopted, great injury might be inflicted upon the agricultural interest of Ireland? The successful experiment referred to by the hon. Member for Galway (Mr. O'Flaherty) in his own Union, was a case confined to the self-supporting system —that of maintaining the inmates of the workhouse out of the produce of their own labour. So far from the Commissioners throwing impediments in the way of that system, they had always encouraged it. In many of the Unions the Guardians, by virtue of the 11th and 12th of Victoria, had attached twenty-five acres of land to the workhouses for the employment of the paupers. The hon. Gentleman who moved the Resolution (Mr. Scully) had made one suggestion which was deserving of consideration. The hon. Gentleman said that it might happen that in certain workhouses there might be a surplus of goods manufactured by the inmates, and that one mode of disposing of them might be, not by selling them in the open market, but by sending them to other workhouses. Now, that was certainly a very different thing, and if it could be done, he at present knew of no objection to its being adopted. But, after all, he thought it would be better to leave the whole matter in the hands of the Commissioners, and allow them to exercise their own discretion on the subject. It was evident from the course they had hitherto pursued, that the Commissioners were not disposed to carry their powers further than what a due regard to the general interests of society demanded. To bind the Commissioners by a pledge such as that contained in the Resolution now proposed, would be a most objectionable proceeding. To convert all the workhouses in Ireland into so many great manufactories, was a system which no Parliament could sanction. It had never been adopted in England; and wherever it had been partially acted upon, it had been found to be detrimental to the interests of free labour. However, he did not deny that such a system would, unquestionably, work better in Ireland than in England. For the reasons he had given he could not consent to the Motion, and he hoped the House would leave the matter in the hands of the Commissioners, and not pledge them to the dangerous principle involved in the Resolution.

MR. ROCHE hoped the House would not leave so important a question to be decided by the Poor Law Commissioners in Ireland. That House was the proper place in which the question should be decided. And what was the question? It was, whether the Legislature would carry out the principles of political economy in all their integrity as regarded the support of the paupers in Ireland or not? He nevertheless concurred with the right hon. Gentleman the Secretary for Ireland in the distinction which he had drawn between employing pauper labourers in the workhouse, for the purpose of teaching youth, and accustoming them to industrial habits, and employing them for the purpose of what was called reproductive labour. It would be very right to employ paupers in the workhouse; but it would neither be useful nor right to convert the workhouse into a manufactory for the purpose of competing with free labour out of doors. The real difficulty they had to deal with, after all, was the great excess of pauperism in Ireland. The only mode of meeting this difficulty was by applying themselves, one and all, to the great productive sources of the country. On a former occasion he called the attention of the right hon. Chancellor of the Exchequer to the great benefit that might be conferred on Ireland by encouraging the cultivation of flax in that country, and by extending advances of public money which he allowed for the building of farm houses to the building of scutching houses for flax. If that were done, considering the great demand there was for that article in England, remunerative employment might be given to every single man in Ireland. But how was his proposition met? Why, the right hon. Chancellor of the Exchequer came down to the House with a great majority at his back, and literally pooh-poohed the question. What he on that occasion asked the right hon. Gentleman to do was to allow a portion of the loan which he was applying to the erection of farm buildings in Ireland, to the erection of buildings for the preparation of flax in that country. But the right hon. Gentleman would not listen to the proposal, and it fell to the ground. Nevertheless, that was one of the means by which encouragement might be given to manufactures in Ireland, and by which the great difficulty of pauperism in that country might be met. It would at the same time be a most legitimate mode of encouraging reproductive labour. The Government was responsible for a great portion of the pauperism in Ireland, for they introduced no measures to diminish it. He hoped the hon. Member (Mr. Scully) would not divide on the Motion, as he felt he could not support him if he persisted in extending his Motion beyond the self-supporting system.

MR. POULETT SCROPE said, it seemed to be taken for granted by the right hon. Gentleman the Secretary for Ireland that political economy was opposed to the employment of the paupers in reproductive labour. But there was nothing in political economy which advocated the employment of useless in preference to useful labour. Merely employing paupers for employment sake, for instance, in breaking stones, was false political economy, and could not have any support from him. The argument of the right hon. Baronet would have come with great grace from the other side of the House; for it was the strongest Protectionist argument he had ever heard, to contend that people were to be prohibited from competing with their neighbours because they had greater advantages. As it was, the argument was worthless; because at present the Irish pauper was fed on foreign corn, and clothed in English manufactures, so that it was clear they would not compete with their own countrymen. At the same time, he believed that there was a strong prejudice against the competition of paupers with the productions of independent labourers; and, therefore, he would suggest that the Motion should be confined to the self-supporting system, where their labour would not come into the general market in the same way as he observed the Government were now employing the convicts on public and special works, which did not enter into general competition.

SIR JOHN WALSH said, that if he had understood the hon. Member's Motion to be for a large grant to establish a poplin manufactory at Tipperary, or a silk manufactory at Belfast, he should be the first to oppose such a principle; but he did not understand him to propose anything of the kind. [Mr. SCULLY: Hear, hear!] He understood him to suggest the employment of persons confined in workhouses in some productive labour, as a better application of time than allowing them to remain utterly idle, and without any labour at all. He (Sir J. Walsh) could assure the right hon. Baronet the Secretary for Ireland he need not fear that any labour of this description would have a tendency in the least degree to displace free labour. On the contrary, if, for instance, flax could be manufactured in the workhouses of Ireland by the inmates, and the experiment were successful, and of which he had very little doubt, it would give the greatest possible stimulus to free labour. The case of Ireland was different from that of England. The paupers of England were only a small proportion of the population, and the labour was only intended to deter idle persons from becoming inmates of workhouses. But in Ireland, by the pressure of circumstances, by the unhappy results of calamities by which that country had been visited, a vast percentage of the population had been thrown into the workhouses. It was then a point to be considered how they could be employed with benefit to themselves, and without injury to the rest of the country. And, guarding himself from agreeing to any application of Government funds, or large capital to carry on considerable industrial establishments, he could not see any possible injury from assenting to the proposition of the hon. Member for Tipperary.

COLONEL DUNNE was convinced that the principle contained in the Motion of the hon. Member for Tipperary (Mr. Scully) was absolutely necessary for carrying out usefully any poor-law in Ireland. He was opposed to making workhouses large manufacturing establishments; but believing that paupers were most usefully employed when supporting themselves by productive employment, he should cordially vote for the Motion.

COLONEL THOMPSON had listened with attention to the three last speakers, and could not help believing that, upon examination, they would be found to be right. If the House would allow him, he would illustrate his view of the question in this manner:—Suppose the inmates of a workhouse in Ireland or in England were to grow cauliflowers, which being not peculiarly adapted for the consumption of paupers, they sold in the market. The result would be some increase of the quantity of cauliflowers in the cauliflower market, and some diminution in the selling price of cauliflowers, and consequently in the reward of labour in that particular production. But the money taken for the cauliflowers would incontinently be sent into the potato market, and there cause an exactly equal increase in the demand for potatoes, and consequently in their selling price, and in the reward of labour bestowed on potato-growing. So that in the aggregate there was as much good as harm. If friends from Ireland would "chew upon this," he thought they would be able to make something of it. And he would go further, and inquire what would be the consequences of stopping the pauper growth of cauliflowers, and taking the price of the potatoes from the ratepayers instead. There would not be the influx of cauliflowers into the market, to the terror of the growers; but at the same time there would be a deduction from some other dealers, of what would have been expended on them by the ratepayers if the money had not been taken from them for the rates, which must work those dealers as much woe as the others had of joy. So that in the aggregate, the naked result was, that the ratepayers got nothing, instead of something, for their money. And this was the way in which the support of paupers was a damage to a country, namely, that without affecting the rest of the industry of the country in the aggregate, it took the whole amount out of the ratepayers, as much as if they were obliged to throw it into the sea. He thought this argument would in the end be found to stand good, and that we should by degrees come round to the opinion that it was advisable to employ paupers in workhouses in all ways which could be made profitable.

Sir LUCIUS O'BRIEN said, it was perfectly ridiculous the idea of the market being overstocked, to the injury of the agriculturists, by the small quantity of produce which even several poorhouses might be able to raise. He admitted that there were difficulties in employing the poor in productive employment; but he thought these difficulties might be overcome by a careful superintendence by the Board of Guardians. He should vote for the Motion.

Mr. SHARMAN CRAWFORD considered it a sound principle that every man supported by the State should work, and, if possible, make a beneficial return for his labour. He supported the Motion on the ground that the reproductive employment of paupers would be a far less evil than any to be apprehended from a displacement of the labour market. He was willing to admit that there might be evils connected with the course proposed; but he thought that, under the circumstances, the evils would be much less of allowing the paupers to be usefully employed, than in allowing them to remain in idleness.

Lord CLAUD HAMILTON said, there was one view of the question which had not been touched upon in the course of the discussion, and that was the immense advantage which resulted from the industrial education received by the youth of Ireland within the walls of the workhouses. He knew of scores of instances where, in consequence of the industrial training received within the workhouse, young persons had been enabled not only to maintain themselves, but to take their relatives out of the workhouse. This was not simply a question of political economy. Ireland was at present in a state of transition; and if the question was to be met by cold abstract principles, the difficulties under which she was labouring would be increased. He did not wish to see large tracts of land inclosed, as if agricultural industry was alone likely to be productive; but he wished to see all kinds of industry encouraged, and not forbidden and thwarted, as it was constantly, in the case of trades, by the Poor Law Commissioners. He thought the hon. Member for Tipperary (Mr. Scully) entitled to their gratitude for bringing forward the subject, and he hoped the House would receive the proposition with that favour which it so well merited.

Mr. J. WILSON said, that the proposition divided itself into two parts, on one of which they were all agreed, while there was a difference of opinion on the other. The hon. Gentleman (Mr. Scully) who brought forward the question, deserved great credit for calling the attention of the House to the industrial training of pauper children. Two years ago an Act was passed enabling different Unions to join together to establish schools, and he believed it had been attended with the greatest advantages; but he thought the House ought to pause before recognising the principle laid down by the hon. Gentleman with regard to pauper labour. About five years ago, after the famine had taken place in Ireland, a great mistake had been committed in endeavouring to give outdoor labour on public works to Irish paupers. No one could deny that the effect of giving Government aid in that particular way was to create an undue and unfair competition between the pauper and the independent labourer, and to reduce large masses of the people to the condition of State paupers, who would otherwise have been earning independent wages. The rights of the independent labourer ought to be most carefully guarded. If this system were established, there would instantly be a competition between pauper and independent labour, and for every pauper that was fed indoors, a new pauper would be created out of doors by withdrawing a portion of the labour on which the free labourer had previously existed. Hon. Members would also recollect the error of the old poor-law system in England, for as long as the practice was for the parish to find employment for the pauper, the effect was to create pauperism, until, in some particular parishes, every farm labourer was hired out by the parish officers. In Ireland, as in England, it would diminish the wages of the labourer out of doors, and increase the number of indoor paupers. The same system had been tried not only in England, and in the public works in Ireland, but also in Holland and Flanders. In Holland more care had been taken in this matter than in any other country in the world, and the result had been the most miserable failure. Similar attempts, without any more success, had been made in Flanders. There was nothing more injurious to the independent labourer than this sort of fictitious competition created by persons being partly supported by charitable institutions, or by institutions supported by public funds. The value of labour must find its own level, and it must not be by encouraging pauperism that they could expect to improve the condition of the labourer. He saw no objection to the establishment of industrial schools for children, or even to industrial employment for the purpose of recreation or for procuring food for the people in the workhouse; but as to workhouses entering into competition on a large scale with free labour, either in agriculture or in manufactures, he believed that to support such a proposition would be fostering a very dangerous fallacy. The system that was now proposed was no doubt very popular in Ireland, because it seemed to be a very short cut to a remedy; but short cuts often proved to be the longest road to arrive at a desired point. He hoped the House would look to the results of the experiments that had been already made of this system, and hesitate, before coming to a conclusion, to pass a resolution of this kind, which would sanction, in his opinion, a most illusive and dangerous doctrine.

Mr. H. HERBERT said, he must congratulate the House and the country on the fact that a talented and influential Member of the Government had now described as a failure their policy in Ireland, and the measures of relief adopted amid the protests of every man of sense, persevered in in the midst of remonstrances, and, he would say, without meaning it offensively, almost in spite of common sense—in spite of prophecies and repeated warnings. It was extraordinary to hear those acts quoted and pointed at as a warning to hon. Gentlemen on that side of the House, which the Government were told at the time by hon. Members on that side would be mischievous. He begged English Members to bear in mind that the properties of Irish Members had been mortgaged to pay for that pernicious system, which was now described as a failure, but which was then adopted in spite of every entreaty and every warning. He also begged English Members to consider that it had taken three years to induce the Government to adopt a system recommended almost by every man of common sense in Ireland—he meant the reduction of the area of taxation. It took three years to establish that principle, and at the end of the first year, for the first time, the Government was able to point out a beneficial alteration in the working of the Poor Law in Ireland.

Mr. J. WILSON begged to explain. He had not said anything about the general policy of the Government with regard to Ireland, but he had stated that the system of employment in public works that was first attempted had been immediately abandoned. These public works had been undertaken with the unanimous consent and sanction of that House.

Lord NAAS thought it would be a dangerous principle to allow workhouse produce to come into the market to compete with that of the independent labourer; but he did not believe this was contemplated by the Resolution, and he should therefore support it. It was a great disadvantage to the governors of workhouses to have no means of employing the paupers in useful labour. He could not help congratulating the House on the extraordinary solicitude of hon. Gentlemen on the opposite benches in favour of home produce, and did not see how they could be in dread of such produce in a few workhouses.

SIR HENRY BARRON said, it was most desirable to encourage manufactures of a certain description. In the Union with which he was connected, no less than seventeen trades were carried on in the workhouse. The inmates made all their own clothing, male and female, and made the furniture required. The great advantage was in the improved moral feeling which had been thus excited; when the paupers left the workhouse they turned their industrial training to account, and earned their own livelihood. Training masters were employed in the different trades at considerable salaries; nevertheless, the Union found a saving in this course. The hon. Member for Westbury (Mr. J. Wilson) had confounded this industrial training with quite a different system. The fact was he had got so thoroughly imbued with a certain political dogma, that it entered into his thoughts on every subject. It was absurd to apply political economy learned from books to a country in such a state as was Ireland at the present moment. The system adopted in Holland was no other than a vast system of outdoor relief. Here the question was one of reproductive employment for those immured within the walls of workhouses. Equally distinct from it was the system in operation in England prior to the enactment of the present Poor Law. It was nothing less than misrepresentation to make such comparisons; it was making a very bad use of political economy. There were many kinds of labour carried on in the workhouses, which were not followed in Ireland at all. In one case it had been contemplated exporting the produce of the pauper labour to America. Would that injure the labour market of Ireland? Every honest man wished to see the pauper become a useful member of society, and contribute something towards his maintenance. They did not want him to go into the public market to compete with the honest labourer, but simply to be employed in the workhouse at such trades as would contribute to his support without interfering with public labour. It would be an exceedingly wholesome state of things if the whole of the people could be brought to support themselves without being obliged to go to other countries for the common necessaries of life. The question brought forward by the hon. Member for Tipperary (Mr. Scully) resolved itself into this—were the people in the workhouses to be supported in idleness; or were they to have the means of contributing something to their own support by useful and reproductive employment?

The CHANCELLOR OF THE EXCHEQUER said, that the hon. Baronet (Sir H. Barron) had found fault with the hon. Member for Westbury's (Mr. J. Wilson's) false notions of political economy, and the confusion of his ideas, because he told us that it was a great mistake to suppose that this Resolution meant anything but labour within the walls of the workhouse. He thought, however, that the hon. Member for Waterford had not heard what had taken place in the early part of the debate, because if he had listened to the arguments about the inmates of workhouses raising their own food, he would hardly suppose that the sole object of the Motion was to give them employment in the workhouse. He could hardly tell what it was intended by the hon. Baronet to do in Ireland; but the people of this country grew their corn outside of the workhouse. He wished hon. Gentlemen to consider the practical result of the measure on which they were about to vote. Any intention of giving outdoor relief was disavowed. He should like to know what the hon. Member for Waterford would have, and what the employment of paupers in cultivating farms attached to workhouses could be, if it was not outdoor relief under another name. What would be the result of it? The hon. Member for Waterford (Sir H. Barron) said, there was no similarity between the system of raising corn out of the workhouse, and the system adopted in Flanders and Holland; but the system in those countries was to employ paupers in raising crops by their labour. He should like to know the difference between the cultivation of farms by paupers out of a workhouse, and a system of outdoor relief. With respect to the remarks of the hon. Member for Kerry (Mr. H. Herbert), he must say that no person justified the relief works in Ireland, except as the means of saving life. The hon. Gentleman referred to the decrease of the Irish population, and attributed it to the measures of the Government. Sorry as he was to see such a decrease as had been shown in the population in Ireland—a decrease of which a great portion was to be attributed to the disease and distress recently prevailing in that country—he thought this proved that the Government were justified in what they did; for though they had not been successful to the extent they wished in saving human life, yet there was no doubt life had been saved to a very great extent through the various means adopted by this country. Did the hon. Member mean to say that if the people of Ireland had been left to the unassisted exertions of the people of Ireland, there would not have been ten times as much misery and mortality as there had been? But coming more immediately to the question before the House, he would ask, if it was intended to do that which the Resolution purported to do, namely, to employ the inmates of the workhouses in reproductive labour, and so to make them self-supporting? If so, there was great danger of doing away with the principle, that to the ablebodied relief afforded in workhouses should be made distasteful? He would ask whether it was right to employ the paupers in such outdoor labour as a farm attached to the workhouse would give, or in trades which they might exercise much more beneficially elsewhere? For himself, he held that to render the labour the same there as elsewhere, was contrary to the whole principle on which the test of the workhouse was founded. Ireland might learn from the experience of England, and in England we had been led to adopt the test to prevent fraud—to prevent parties going on the rates when they could maintain themselves. Nothing would countervail the permanent injury done to Ireland, to labourers as well as ratepayers, if they abandoned the principle of making the workhouse test as severe as possible. He believed that the security of property depended on their maintaining it in full vigour, and therefore should object to any change in the law which took away from its stringency. He warned the Irish Members that any present trifling gain which might be obtained by the employment of inmates of workhouses in the manner proposed by the hon. Member for Tipperary, would be more than counterbalanced by the dependent spirit which that employment would create amongst the distressed districts of Ireland.

SIR H. BARRON begged to say, that he was himself a most unequivocal supporter of the test.

MR. HENLEY could not at all understand the argument of the right hon. Chancellor of the Exchequer, for whilst he quite agreed that nothing could be more dangerous for Ireland than to break down the workhouse test, he could not ascertain by what necessary connexion of terms the employment of the people in the workhouse broke into that test. It might, indeed, depend on the quality of the labour given—whether, that was to say, it was agreeable or disagreeable; but he could not see how its being productive or unproductive could make it more or less of a test to the labourer. He could not see, within the terms of the Motion, what difference it could make, if a man was employed in breaking oakum, whether he did it so as to get something for the workhouse or not, whether it was reproductive, or whether it should be worth nothing; and the words of the Motion only went to that—that so far as might be, the labourer was to be employed in productive rather than in unproductive works. To anything which broke down the test, no man would be more opposed than he was; but that this proposition would do so had not been shown. He thought that the Government had been rather hardly pressed in the matter of Irish relief, because he recollected that in the autumn of 1846, when they came into office, and stated that they should follow up what had been commenced by the preceding Government, no objection was taken by the Irish Members to the mode of the relief, but only that it was not likely to be sufficient. He could only look at the Motion in the terms in which he found it, and if the House went to a division, he should certainly vote for it.

MR. LABOUCHERE said, that every Gentleman who intended to support the Motion seemed anxious to explain away its obvious meaning; and it had been said that it only declared the course which the Irish Poor Law Commissioners had hitherto pursued. The hon. Gentleman who had just sat down (Mr. Henley) seemed to think that the Chancellor of the Exchequer's objection was solely against pauper labour being productive; whereas, as he put it, the question was, as to the adoption of this principle, whether the Poor Law Commissioners were to turn their attention to an inquiry how paupers might be put to work not primarily and stringently as a test, but primarily intended to be reproductive. Then he thought it would be most objectionable, if the House considered the course pursued by the Irish Poor Law Commissioners to be substantially prudent, to affirm a resolution which raised at least a supposition that the House desired some new principle. He certainly thought that whatever temporary relief might be given to the ratepayers by making the Irish poorhouses a colossal workshop, the ultimate injury that it would entail on Ireland in all respects, morally and otherwise, it was impossible to calculate. Reference had been made to the relief measures by which the Government, under the appalling circumstances in which Ireland was placed in 1846, endeavoured to mitigate the fearful calamity which fell on that country. He had never underrated the frightful extent of the pressure on Ireland in consequence of the blast of the potato root; but, notwithstanding his deep impression on that point, he had seen with the most painful feeling the lamentable account of the diminished population in Ireland afforded by the census. However, in reference to the measures taken for the relief of the calamity which visited Ireland, it was more easy to criticise them, now the emergency had passed away, than to devise measures to meet the circumstances at the time. He believed that nothing could exceed the desire which at the time pervaded every class in England to go to the rescue of Ireland. At the time he supported the measures which had been alluded to, he was convinced that they could not be adopted without great concomitant evils, and he remembered that in 1846, when the Government took up the measures of the late Sir Robert Peel's Administration on the subject, he (Mr. Labouchere) exposed himself to a good deal of reproach when he stated that he expected great evil from them; but that all his objections disappeared when he saw the necessity of interfering with the frightful destruction of life which must take place, without some remedial measures in Ireland. Even now, he was far from being convinced that those measures with respect to relief in Ireland were not in the first instance the best, though after a time it was impossible to go on with the system on account of its concomitant evils, and then what was called the soup-kitchen system became a most excellent substitute.

Sir DENHAM NORREYS rather distrusted the object of the Motion, and could not disconnect the hon. Member who brought it forward from the proceedings of certain Boards of Guardians in Tipperary, who were in the habit of selling the surplus productions of the workhouse labour in the public market, so that the Motion seemed open to all the objections urged against such a system. He thought, however, that the right hon. the Chancellor of the Exchequer had confounded the employment of the poor in the workhouse precincts with the outdoor system. He hoped his hon. Friend would not divide, as he was certain all were agreed, at least upon the general principle.

Mr. SCULLY said, he must deny the statement just made by the hon. Baronet (Sir D. Norreys), as to the Tipperary Boards of Guardians selling the products of workhouse labour in the public market. All that was desired was, that the Guardians should be at liberty to employ the poor in productive labour. He was against any competition of workhouse labour with free labour in agriculture.

Question put. The House *divided*:—Ayes 42; Noes 64: Majority 22.

List of the AYES.

Archdall, Capt. M.
Bankes, G.
Barron, Sir H. W.
Bateson, T.
Blair, S.
Blandford, Marq. of
Booth, Sir R. G.
Boyd, J.
Burroughes, H. N.
Cabbell, B. B.
Crawford, W. S.
Dunne, Col.
Farrer, J.
Forbes, W.
Frewen, C. H.
Gallwey, Sir W. P.
Gilpin, Col.
Goold, W.
Granby, Marq. of
Grogan, E.
Hamilton, Lord C.
Henley, J. W.
Herbert, H. A.
Hodgson, W. N.
Jones, Capt.
Knox, hon. W. S.
Langton, W. H. P. G.
Meagher, T.
Miles, P. W. S.
Milton, Visct.
Mullings, J. R.
Naas, Lord
Norreys, Sir D. J.
O'Brien, J.
O'Brien, Sir L.
Power, Dr.
Prime, R.
Scrope, G. P.
Thompson, Col.
Waddington, H. S.
Walsh, Sir J. B.
Whiteside, J.

TELLERS.

Scully, F.
O'Flaherty, A.

The House *adjourned* at a quarter after Twelve o'clock.

HOUSE OF LORDS,

Wednesday, July 9, 1851.

Their Lordships met, and having gone through the business on the Paper,

House adjourned till To-morrow.

HOUSE OF COMMONS,

Wednesday, July 9, 1851.

MINUTES.] PUBLIC BILLS. — 1° Attornies and Solicitors Certificate Duty; Copyhold and Inclosure Commissions.

2° Arrest of Absconding Debtors; Law of Evidence Amendment; Turnpike Acts Continuance.

COLONIAL PROPERTY QUALIFICATION BILL.

Order for Committee read.

MR. TUFNELL said, he believed that at this stage of the hon. Member for Gateshead's (Mr. Hutt's) Bill, he was permitted, according to the forms of the House, to move the Instruction of which he had given notice. He had to apologise to the House for intruding upon its time on the present occasion; and the more so as, after the declaration of his noble Friend at the head of the Ministry in the early part of the present Session, and the intentions he had expressed of considering the extension of the suffrage on an early opportunity, he little thought it would have been his lot to have supported, still less to have proposed, in the present Session, any question touching the reform of our representative system. He would have been quite ready to have left the whole matter in the hands of his noble Friend, who was the person best qualified to bring it forward, and who alone, as he believed, possessed either the experience to devise a scheme, or the influence to carry it into effect. For this reason he had voted against the Motion of the hon. Member for East Surrey (Mr. L. King) in the early part of this Session; not because he disapproved of extending the right of suffrage in counties to 10*l.* householders, but because, after the intimation given by his noble Friend, he considered it most inexpedient to raise questions of that nature at present. But when the hon. Member for Gateshead introduced a Bill, which, in his humble opinion, tended to extend and give additional Parliamentary sanction to a system which he considered utterly unsound, he felt it his duty to take that opportunity of calling the attention of the House to a still wider question, and appealing to Parliament as to whether a property qualification was any longer necessary to be preserved. In order to place the matter fully before the House, he would first go through the Acts under which the qualification was established. The period of our history at which it was introduced was one of the last which he should be willing to search for constitutional precedents. He would describe that period in no language of his own, but in terms far more forcible and of greater weight than any he could have used, by referring to an *Essay on the Constitution*, published by his noble Friend at the head of the Ministry, who thus characterises the period when this restriction on the free choice of members by the constituent body was first imposed:—

> "Aud here begins the history of those last few years of Queen Anne, in which the press was restrained, intolerance favoured, our allies deserted, our enemies encouraged, and a disadvantageous peace concluded: indeed, had not Queen Anne died before the measures of the Jacobites were prepared, the Elector of Hanover might never have been enabled to ascend the Throne to which the Act of Settlement had called him."

The Act of 9 Anne, c. 5, which was passed at this disgraceful period of our history, was not, he believed, introduced with any view of promoting the general welfare of the country, but for mere party purposes, and in fact to pave the way for the restoration of the Stuart dynasty. In proof of this, he would quote the words used by his noble Friend (Lord John Russell) when the hon. Member for Southwark (Sir W. Molesworth) brought forward a similar Motion in 1837, on which occasion he is reported to have said—

> "The change, with respect to qualification, was effected in the reign of Queen Anne, owing to the jealousy which then unfortunately prevailed between the landed and the trading interest. The trading interest was known to be favourable to the Hanoverian succession, and to those principles of liberal policy which did not suit the taste of the landed gentry; and it was to check the increase of the trading influence that the landed interest introduced this innovation into our Parliamentary system." [3 *Hansard*, xxxvi. 548.]

The Act was not indeed extended to Scotland; and Tindal, in his *History of the Reign of Queen Anne*, expresses an opinion that the reason for this was the smallness of the landed property in that part of the Kingdom; but perhaps it might be accounted for from the well-known inclination of the great majority of the Scotch gentry towards the House of Stuart, which rendered it superfluous to take any additional precautions for ensuring the return of a Jacobite Parliament. But the Act of 9 Anne, which merely obliged a Member to swear to his qualification, if required, was found to be totally inoperative. The petitions against Members for the want of qualifications were abandoned, and it was found necessary, in 1717, to amend the Act by the somewhat extraordinary method of a Standing Order of the House, requiring the Member petitioned against to state the rental and particulars of his qualification, by what conveyance or act of law he claimed the same, and the names and residences of the witnesses to the conveyance and payment. It was not, however, till 1760, by the Act of 33 George II., c. 20, that the House obtained direct cognisance of the matter. By this Act every Member was required, before taking his seat, to deliver to the Clerk of the House a paper stating in what parish and county his qualification was situated, and also requiring him to swear to the truth of his statement. Thus, a vicious system once introduced, by degrees was more stringently enforced, and no change was attempted between 1760 and the Scotch Reform Bill of 1832, when it was proposed to subject Scotland to the same restrictions which had been imposed on English constituencies, in exacting a qualification of 400*l.* a year from Members of Scotch counties. The Lord Advocate of the day—the late Lord Jeffrey, one of the most distinguished men who ever filled that office—with a frankness that did him infinite honour, before attempting to pass the clause, consulted his countrymen as to the proposed measure. The result of his inquiry I will give in his own words, from *Hansard* :—

> " The Lord Advocate admitted that there had not been much time to take the opinion of Scotland upon this clause, but the time that had elapsed had been industriously employed for that purpose. As soon as the clause had been printed, he sent off 250 copies to the different boroughs in Scotland for their consideration. Among the answers he had received (thirty-six in number) there was not one which approved of the proposed increase in the amount of the qualification, but every one of them exclaimed against it. He was sure that the rules as to qualification had not been of benefit in England ; but he was even more fully convinced that, if they had been innocuous here, they would be actually injurious in Scotland."—[3 *Hansard,* xiii. 1060.]

He (Mr. Tufnell) had no doubt but that if the people of England had been appealed to in a similar manner, they would have returned as indignant a remonstrance as the constituencies of Scotland against this attempt to restrict them in the free choice of their representatives. Even during the present Session a remarkable scene had been witnessed, when the Members for Cork, Boston, and Leith, took their seats on the same day—the two former being

obliged to produce their qualifications, whilst the right hon. and learned Lord Advocate, as Member for Leith, took his seat without passing through any such ordeal. It was impossible to defend such anomalies in our constitution, or to maintain, for any length of time, a different system in the two countries. In 1837 the hon. Baronet now Member for Southwark, had introduced a measure similar to that to which he now called the attention of the House, and in a most able speech had shown the injustice and absurdity of the present system. Although the Motion of his hon. Friend was not then carried, still the discussion had been most useful, and led in the following year to the introduction of Mr. Warburton's Bill, which to a certain extent mitigated the rigour of former Acts, by allowing personal property as well as real property to serve as a qualification for a seat in that House. But the Act was so framed as to open the door still wider than had originally been intended. The Standing Order of 1717 was no longer enforced, a declaration was substituted for an oath; and so loose and vague a description of property was required, that a candidate might completely comply with the requirements of the Act, and, at the same time, defy the most sharpwitted Committee to find out whether his qualifications were valid or not. It did indeed sometimes happen that, through the ignorance or blunder of his solicitor, an innocent Member, possessing substantially every qualification, might become a victim to the absurd state of the law, and lose his seat. An instance of this had been seen in the present Session, where Mr. Prinsep, who filled the important station of an East India Director, and who in order to be elected to that office must be qualified by the possession of 2,000*l.* in East India stock—now worth between 4,000*l.* and 5,000*l.* in the market, and returning an income of 200*l.* a year—was turned out of Parliament in consequence of not having made out a sufficient qualification. His qualification was stated to be a pension of 1,000*l.* per annum, and a mansion in Hyde Park Gardens, in the county of Middlesex. The pension he had purchased by annual contributions whilst he was in the service of the East India Company; but the *corpus* of the fund being in India and not in England, the Committee very properly decided that it gave him no qualification. The house having been ascertained to be mortgaged, was also clearly insufficient. If his attorney, possessing the wisdom of the serpent, had, instead of giving this accurate description of the premises, merely stated all that was necessary under the provisions of the Act 1 and 2 Victoria, c. 48, and described the qualification as consisting of "Leasehold Estate in the Parish of Paddington, in the County of Middlesex," it would have been morally impossible to have disproved his possession of property to the value of 300*l.* a year in that parish; and the ingenuity of all the lawyers, as well as of his right hon. Friend the Member for Northampton (Mr. V. Smith), would have been completely baffled. It was thus shown, therefore, that under the present system no real safeguard existed. Indeed, upon principle, although it might be extremely proper that the elective body, who were not chosen, but at once set apart by law for the exercise of those important functions, should themselves possess a certain qualification, yet to a body thus constituted it seems ridiculous not to entrust the free choice of their representatives. The true test that should, if possible, be required for a seat in that House, would be talent, character, and habits of business: but these qualifications it was impossible for the elective body to measure by any particular standard, and property had therefore been fixed upon as the only test which could accurately be ascertained. But if the Bill of his hon. Friend the Member for Gateshead should pass into law, and if property in New Zealand or South Australia should be considered as sufficient to qualify a person for a seat in this Parliament, it is evident that property would lose the only quality which made it valuable as a guarantee, and become as difficult to measure as character or talent. In the French Chamber of Deputies, under Louis Philippe, the necessary qualification was the payment of 500f. a year of direct taxation, and it was clear that if any qualification was at all desirable, this plan was infinitely better than our own, and could not as easily admit of evasion. If the present system were to be persevered in, it would be but reasonable to make the law more stringent and searching, and it was well known that the House would prove content to do so. It had been said by some that if the law could not be carried into effect, it was at least innocuous, and that therefore there was no reason for change; but was it nothing that Members should be in the habit of breaking, without the slightest hesitation, the law which they themselves had made? Was it not a bad example to show to the people how that law was constantly evaded? Was it nothing to refuse to the people, without any reason, that confidence of which they were well worthy? But the law, besides being inoperative, was also clogged with exemptions offensive to the rest of the community. He had previously asked why the constituencies of England should not be allowed the same latitude of choice as those of Scotland, whose representatives were not inferior in character, talent, or station to those of any other parts of the United Kingdom. He would now ask why the Commoners of England in general should not be put on an equal footing with the eldest sons of Peers and of Bishops, with members for the Universities, and sons of persons qualified for being Knights of Shires, who might all sit in Parliament without any qualification. In the present state of public feeling these exemptions were offensive, and could not be maintained. The law, if good at all, must be universal, and affect all alike. He thought he was justified, on this occasion, in appealing for support to the Protectionists on the other side of the House, as it was notorious that many of the agricultural constituencies had expressed a strong wish to return tenant-farmers, under the impression that they were fully as capable of representing their interests in that House as the landed gentry; and, for his own part, he could not but think that an infusion of Members of that class might be of great advantage in their deliberations. The only obstacle which stood in the way was the Qualification Act, as the tenant-farmers were too poor to possess 600*l.* a year, and too honest to evade the Act by a fictitious qualification. If this barrier were once removed, the wishes of the agricultural constituencies might forthwith be realised, and he appealed therefore with confidence to Gentlemen on the opposite side to support him in his Motion. He had now shown that the law of which he complained had sprung from a corrupt and tainted source; that the promoters of the Act of 1711 were influenced by motives which he was sure would in the present day meet with no sympathy in that House; that as subsequently altered it was completely inoperative and constantly evaded; and, under these circumstances, he called upon the House to support him in his attempt to return to the old practice of the constitution, to give to the constituencies which had been created under the Reform Bill, and to those which he hoped would be soon created, the liberty of returning to that House those men whom they thought best qualified by talent and character to represent their interests, and, finally, to allow the people of England and Ireland that same free and unfettered choice of their representatives which the people of Scotland enjoyed.

Motion made, and Question proposed—

"That it be an Instruction to the Committee, to provide for the abolition of any property qualification for the Election of Members to serve in Parliament.

Mr. EWART seconded the Motion. He thought his hon. Friend the Member for Gateshead (Mr. Hutt) was entitled to credit for introducing the present Bill; but he considered the principle should be extended so as to embrace the object of his right hon. Friend (Mr. Tufnell), and that the anomaly should no longer exist, that while the Members for Scotland and for the Universities were allowed to take their seats without producing any property qualification, all other Members must show that they possessed a certain amount of property. The qualification was an unconstitutional demand, and it was time it was done away with.

Lord JOHN RUSSELL said: The proposal which my right hon. Friend (Mr. Tufnell) has now made comes before us, as I think, in a rather singular shape. The Bill which the House has under its consideration is a Bill for extending the qualification of Members of this House to a certain other description of property which is not now admitted as forming a qualification for Members to sit in Parliament; and my right hon. Friend's proposition is that, by way of amending that Bill, we should strike out all property qualification, and abolish the existing qualification altogether. But that is a totally different thing from the proposition involved in the Bill. It is a totally different question, whether or not there is any real utility in keeping up the present qualification for Members of Parliament; and I think my right hon. Friend's arguments on that point are arguments which have in them a great deal of weight. As my right hon. Friend has alleged, there was in former times reality in the provision that those who represented shires should be knights girt with swords; and that the representatives for boroughs should be burgesses belonging to and residing in the boroughs for which they were elected. That was a qualification which was no doubt a reality, and so long as it was in accordance with the state of society it might have been desirable to continue that law. But the state of society, as it was in those times, does not exist now. The knights girt with swords no longer appear here as the representatives of the shires, nor are the representatives of the boroughs in general burgesses residing in those boroughs. So far, then, circumstances have altered; and, so far as they are concerned, Parliament has abolished the provision with regard to boroughs, so that a person not residing in the borough and not being a burgess may be elected and sit as its representative. But in the reign of Queen Anne, Parliament, being jealous of the increasing influence of trade and commerce, thought of a new qualification, and the restriction then imposed appears to me to be at variance with the ancient formation of Parliament; for, as the citizens and burgesses representing cities and boroughs were previously required to be persons residing and trading in those cities and boroughs, and whose property was only in their trade—the manufactures and wares in which they dealt—it was then insisted that henceforward they should be landowners, possessing a certain property qualification in land. That provision, I hold, was a very unadvisable one; but it was one, no doubt, intended to strengthen the landed interest in this country. The law became certainly in a more reasonable condition, and was brought more in accordance with the present state of society by the alteration made in it some few years since at the instance of Mr. Warburton—a gentleman who is no longer in this House, but who was for many years a very distinguished ornament of it while he had a seat in it. He suggested in a manner that convinced the House, that the basis of the qualification should be extended so as to embrace persons who had acquired property of different descriptions which had grown up since the days when the previous qualification was established, and which in the time of Queen Anne ought to have been the ground of the qualification. But now that these things have been done, and these various alterations made, is there, after all, in effect any security in the property qualification as it now exists? Is it not notorious, as my right hon. Friend has said, that persons elected to this House, who have any credit at all, or any connexions which can help them to a qualification, find no difficulty in obtaining one, and sit here on a qualification perfectly good in law, although, in fact, they do not possess the amount of property requisite to qualify? Every now and then, however, there occurs a case in which the objection is raised before an Election Committee that such a Member has no property qualification; and, although there may be fifty or sixty other Members sitting in the House without such qualification, that unfortunate Member is unseated. Therefore, I say, there is no security in the present state of the law as regards the qualification. Another notorious fact—that which has been alluded to by my hon. Friend the Member for Dumfries (Mr. Ewart)—is that all the Scotch Members sit without any property qualification. And I feel that I should be paying a very ill compliment to them, and should make a most undeserved and unfounded statement, if I said they were inferior in rank, in property, in intellect, in business habits, or in capacity for legislation to the Members for England or for Ireland. That being the case, I certainly cannot see why this whole question of qualification should not be taken into the consideration of Parliament. But I own it does not appear to me that this is the way in which it should be done. To propose to amend a Bill providing a certain new qualification, in addition to that we now have, by saying we will have no qualification at all, does not seem to me to be a proper mode of bringing the question under the consideration of Parliament. I think it rather should be done by a special Bill, brought in with a view to abolish property qualification altogether, or by a Bill for the general purpose of improving our whole system of representation, in which it might form a clause. And whether such a Bill be introduced by my right hon. Friend or any other Member, I shall be willing, certainly, to give the question a favourable consideration. Then it is to be considered whether there is any danger at all—supposing this qualification done away with—of Members being admitted to this House who are not in all respects as perfectly well qualified as those who are now Members to sit here. I own it appears to me that what forms in effect a real qualification—whether it be desirable or not—must be matter of dispute. The hon. Gentleman opposite (Mr. Newdegate) may dissent from that view; but what does form an effective property qualification is the fact that no person without some means—at all events, no one who does not reside in London—is able to maintain the state and bear the expense of coming to London, leaving his own business, to attend here as a Member of Parliament. Take the case of a tradesman in a small town, or a farmer—such as my right hon. Friend has put—and I have no objection to see the tenant-farmer in this House, if the freeholders and the electors choose to send him here; but, for his own sake, I should think his attendance here during the spring and a great part of the summer would be very injurious to his ploughing, his sowing, and his other farming operations. So, likewise, with regard to the small tradesman, his custom would very much suffer if he were compelled to attend here during the whole of the Parliamentary Session. We know, as it is, that there are many persons with incomes considerably larger than usually pertain to the class I now speak of, who, after two or three years' attendance in this House, find that they cannot afford to continue the expense, and to sacrifice their business by remaining Members; so that, in effect, you have, by the nature of things as they exist, a real property qualification, without requiring it by law. It is true, that if you were to have the People's Charter, and Members were paid for their attendance in this House, that argument would not apply; but I certainly do not mean to give my vote in favour of the payment of Members. With regard to the matter of the qualification, though I cannot vote for the present Motion, I can assure my right hon. Friend that whenever it is brought forward as a whole and separate question, I shall give it my best consideration and support.

MR. NEWDEGATE said, that on the other side of the House there appeared to be a perfect scramble among the would-be Reformers. They seemed determined on depriving the noble Lord at the head of the Government of the paternity of every part of the anticipated Reform Bill, so that the author of the Reform Bill of 1831 might have as little as possible to do with the Reform Bill of 1852. He (Mr. Newdegate) had never seen such a want of confidence in the leader of a party. Hon. Gentlemen who professed to support the noble Lord, distrusted him so much that they were supplanting him on every important public question. The present proposal had been brought before them, as the noble Lord had truly stated, in a very singular manner. The hon. Member for Gateshead (Mr. Hutt), feeling probably that the colonies had not met with fair play in that House, had proposed that the possession of property in any colony should be a qualification for Members; and what was the Amendment of the right hon. Gentleman the Member for Devonport (Mr. Tufnell) to that proposal? The right hon. Gentleman, rather than admit the right of the colonies to a representation in that House, would plunge the House into the wide question of the abolition of any property qualification whatever. The right hon. Gentleman would retain a qualification for electors, and yet he would abolish the qualification for Members; and if the measure for the introduction of Members of the Jewish persuasion to the House should be carried to its legitimate consequences, they would not only have the followers of every religious persuasion—Mahometans, Hindoos, and Buddhists—sitting among them; but for all that he could see they might also have unnaturalised aliens returned as Members of Parliament. He admitted that the law, as it stood, was defective. But if the law was too indefinite, let them define it—if it was too restrictive, let them extend it—if it was difficult to prove a compliance with its provisions, let them simplify it—if it excluded classes like the tenant-farmers, who ought, in his opinion, to be entitled to seats in that House in case they should find constituencies to return them, let the qualification be placed within their reach; but let not the House, because the present state of the law was imperfect, be plunged into the question of the abolition of any qualification whatever; and let them not by that abolition deprive themselves of the means of identifying those persons who might be returned as Members of Parliament. It seemed to him that that Motion was only an attempt to get rid of the Bill of the hon. Member for Gateshead by a sidewind, and that it raised at a most inconvenient period a question which the House was not prepared to discuss.

Mr. HENLEY said, he agreed with the noble Lord at the head of the Government that the proposal of the right hon. Member for Devonport (Mr. Tufnell) had been introduced—he would not say in a very irregular, but certainly in a very inconvenient manner—because by way of an amendment to a comparatively unimportant measure, a question of very considerable moment was brought under their consideration. He could not agree with the right hon. Gentleman who had brought forward the Motion, in his statement of the facts of the case. The right hon. Gentleman asked the House to restore to the people of this country their ancient rights in that matter. But he (Mr. Henley) could not find that there had ever been a period in the history of this country where Members had ever been returned to Parliament without any definition of their class or position. The law upon the subject had been altered in the reign of Queen Anne; but the change which had then been effected had merely substituted one species of restraint for another. The noble Lord (Lord John Russell) had stated that such persons as tradesmen and farmers would find it very difficult to leave their business, and to reside in London during each Session of Parliament. Now, every body who knew how much time was required for a proper discharge of the duties of Members of that House, would assent to that statement of the noble Lord. But he could not admit that the noble Lord had drawn a correct conclusion from that fact; because there existed in this country, as in every other country, a large class of persons who went under the designation of "gentlemen at large," and who might otherwise be justly designated as political adventurers, who would perhaps recommend themselves by very specious promises to different constituencies, and to whom it would be no inconvenience to spend their time in that House, whilst he felt certain it would be a great national injury to have the House filled with persons of that description. The noble Lord said, that no real security existed in the present qualification against the return of improper individuals. But the noble Lord would excuse him if he stated that he had illustrated that position in a very extraordinary manner. The noble Lord had told them that persons of any credit or connexions had no difficulty in obtaining a qualification; but if a man had such an amount of credit, or such connexions as to induce another to trust him with the legal security of such qualification, at all events it proved that he must be a person not utterly unworthy of being considered of credit. He would not, however, enter further into that question. He had risen principally for the purpose of entering his protest against the statement of the right hon. Gentleman who had introduced the Motion, that the result of the adoption of that Motion would be to restore the law upon the subject to its ancient condition; and he entirely denied that it had ever been in the power of the electors of this country to return Members to that House without any restriction whatever.

Mr. VERNON SMITH said, he thought that his right hon. Friend the Member for Devonport had been somewhat unfairly blamed for the time and mode in which he had introduced the present Motion. In the first place, it should be remembered that his right hon. Friend had only just recovered his independent powers of speech by the cessation of his connection with the Government; so that it was rather unfair to attack his right hon. Friend as far as regarded his individual position in that instance. In the next place, he should observe that there was nothing unusual or remarkable in the proposal of his right hon. Friend, that when a measure was before them for the abolition of a portion of a restrictive system, they should at once do away with it altogether. His right hon. Friend believed that the entire system was objectionable, and he therefore wished that, instead of altering, they should wholly abolish it. The hon. Gentleman the Member for North Warwickshire (Mr. Newdegate) was completely mistaken in supposing that the object of the Motion of his right hon. Friend was to continue a restriction which was unjust to the Colonies, for his right hon. Friend only sought to remove every restriction whatever in the case under their consideration. He believed that the Bill of his hon. Friend the Member for Gateshead (Mr. Hutt) had been introduced in consequence mainly of the proceedings before the late Harwich Election Committee. He (Mr. V. Smith) had himself been a Member of that Committee, and it was with the utmost reluctance he had felt himself obliged to find that a gentleman possessed of an ample amount of colonial property did not possess a proper qualification for a seat in that House. He hoped his hon. Friend the Member for Gateshead would support the larger measure which had been proposed by his right hon. Friend the Member for Devonport; and he also hoped that his right hon. Friend would not then press his Motion, but would leave the matter in its present very favourable position.

MR. TUFNELL said, that he thought he would best serve the cause of reform by leaving the question in the hands of the noble Lord at the head of the Government, and he would therefore beg leave to withdraw the Instruction which he had moved.

Motion, by leave, *withdrawn.*

MR. HUTT said, that after the declaration of the noble Lord at the head of the Government, he should not proceed further with his Bill. He thought that the decision in the Harwich case was one of great hardship, for Mr. Prinsep proved that he had an annuity of 1,000*l.* a year charged on the Bengal civil fund; but, notwithstanding that, because the corpus of the fund was in India, the Committee was obliged to declare that he had no qualification, the words in "Great Britain" being specially mentioned in the Act of Parliament. This Bill was not founded on that case, for his object was to do what he considered a measure of justice to the Colonies.

Order for Committee *discharged*; Bill *withdrawn.*

HOME MADE SPIRITS IN BOND BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

The CHANCELLOR OF THE EXCHEQUER presented a petition, signed by the principal distillers of London, against the Bill. The right hon. Baronet said, though he had more than once addressed the House on this subject, yet he felt that in opposing the second reading he should not do justice to the great interests involved in this question if he were not again to state what appeared to him the insuperable objections to passing this measure. The grounds on which it had been advocated hitherto were those of justice, and they had heard not a little the cry that justice to Ireland was concerned in the passing of this Bill. Now he must say that to any person whatever who investigated the subject, there would appear no claim of justice whatever on the side of those who advocated the second reading of the Bill. There was a claim of justice on the part of those who opposed the Bill. What was asked was that duty should be paid on home-made spirits when they were taken out of bond, as in the case of colonial spirits. The principle of levying Excise duties and the principle of levying Customs duties were so entirely distinct, that no analogy could be set up between them in relation to this subject. The principle in levying Customs duties was to levy them at the latest moment, because, up to the latest moment, there was no saying whether the articles would or would not be exported — whether they would or would not pay duty at all; whereas the principle in levying Exceis duties was to levy them at the earliest moment, so that, the duty once paid, the owners of the article paid upon might be relieved from any further supervision or interference on the part of the Excise. In relation to these home spirits, the earliest moment at which the Excise duty could be levied was that when the spirit issued from the worm-end, and this, therefore, was the moment at which, for the convenience of the producer, the duty was levied, and from that time the supervision of the Excise officers ceased. If they were to levy it at a later period, they would have a continuance of the supervision of the Excise officers, and they would reverse the principle on which the Excise duties had been regulated. He quite ageed that there might be some ground of complaint if the duty on the spirit which came into competition with the home-made spirit was unfairly levied, so as to give a boon to the colonial producer; but a difference of 4*d.* a gallon above the duty on home-made spirit was levied on colonial: and this differential duty, which was levied in England, Scotland, and Ireland, was fixed in 1848, after a lengthened inquiry before a Committee of that House. It might be said that was an unfair settlement, but the reverse was the case. It could not be proved that the settlement was unfair, because the consumption of colonial spirits in Ireland and Scotland had fallen off since that time; and the consumption of home-made spirits had considerably increased. The consumption of colonial spirits in Scotland in 1847, was 392,000 gallons, and in 1850, 210,000 gallons, showing a falling-off of 182,000 gallons. In Ireland the consumption was in the former year 176,000 gallons, and in the latter year 166,000. But what was the consumption of home-made spirits in these two countries? He would not go back to 1847, which was not a fair case as regarded Ireland, but he would take the last three years, and he found that in Scotland the consumption was—

In 1848	6,548,000	gallons
1849	6,935,000	”
1850	7,122,900	”

In Ireland the consumption was—

In 1848	7,072,000	gallons
1849	6,973,000	”
1850	7,480,000	”

So that there had been an increased consumption of 900,000 gallons in these two countries, when it was stated by the promoters of this Bill that the producers of home-made spirits were ruined by colonial spirits; and by a return which had just been made he found that the consumption of Irish spirits up to the 5th of July had gone on increasing. Again, if you took the imports of spirits from Scotland and Ireland into England, you found that while the average of five years to 1825, was 1,400,000 gallons, that of the five years to 1850, was 3,400,000 gallons, exhibiting, he need not observe, a most material increase. It was not pretended that the adoption of this measure would not injure the revenue, even though all the transactions in home spirits were free from fraud and dishonesty; but the grand objection, after all, was, that the adoption of the measure would open the door to perfectly unlimited fraud and dishonesty, and, of consequence, to an unlimited injury to the revenue, the only possible mode of remedying the loss to the revenue would be to impose higher duties upon the classes of spirits; and though this would obviate all loss where the transactions were honestly conducted, it would be no security against fraud, but on the contrary would increase the temptation to attempt to cheat the revenue. At present the amount of duty levied upon home spirits was distributed in a manner highly favourable to the interests which purported to be most aggrieved by the existing system, for while English spirits paid 7*s.* 10*d.* a gallon, Scotch spirits only paid 3*s.* 8*d.*, and Irish spirits only 2*s.* 8*d.* Under the existing arrangements, again, the system of warehousing spirits in remote parts of the country was adapted to the convenience of the smaller distillers in a manner which it would be quite impossible to continue if the proposed changes were effected. The revenue, however, was not the only party concerned in this question. There was another party, and that was the English distiller, for what was really sought by the Irish and Scotch distillers was to gain an unfair advantage over the English. If the change in the mode of taking the duties took place, the English distillers would not be able to derive a corresponding benefit from it. And he saw no reason why they should be subjected to this additional disadvantage, because scarcely any English spirits were consumed in Ireland or Scotland, while the quantity sent to England last year from Scotland and Ireland amounted to about one-third of the whole consumption of England. For these reasons he trusted that the House would not agree to the second reading of this Bill.

Lord NAAS said, after all preparation, the right hon. Gentleman the Chancellor of the Exchequer had advanced no new argument against the measure. The injustice complained of was palpable. The produce of the home manufacturer was by the excise laws placed in a less advantageous position than that of the importer of foreign and colonial spirits. As to the charging of colonial spirits in bond at the last moment, because they might be exported, the great complaint of the home producer against the present system was, that it operated almost entirely as a prohibition to the export of home spirits. As a proof of this, he could state that of late years the exportation of our colonial rum had immensely increased, while, on the other hand, that of our home spirits had absolutely so diminished that it was not thought worthy of a place in the returns of the Board of Trade. The Chancellor of the Exchequer said that the Bill would alter the present modes of measurement —modes supposed to be necessary for the security of the revenue—but such was not the case. The measurement of home-made spirits was taken now three times, viz., at the worm's end, when going into bond, and when coming out of bond. He should like to know what there was in the plan which he proposed to prevent this measurement being still taken. The only difference would be, that the charge would be made when the spirits were coming out of bond, so that every security that was now obtained by measurement could still be enforced. Under his Bill the quantity to be measured would be ascertainable with the greatest ease, and would be subject to none of the difficulties and dangers connected with the existing mode of measurement. With regard to the differential duty of 1848, he had said frequently before, that consideration could not in the least degree embarrass the carrying of this Bill, because the Bill did not propose in any way to interfere with the settlement which was made in 1848. It had been stated that this measure would be in a degree a breach of faith and an unsettlement of a solemn compact made in consequence of the Report of the Committee on Coffee and Sugar Duties; but Lord G. Bentinck, the chairman, had in his place in that House stated that the alteration of duties was forced upon the Irish and Scotch distillers. The Irish distillers had never consented to that arrangement; no Irish witnesses were summoned before the Committee; and this consideration of the differential duty was only introduced into the question incidentally. It was clear also, when they considered the different items of which the 4*d*. of differential duty was composed, that the differential duty, which was made a bar to granting a most just demand, was only a bugbear, because only a halfpenny, or one-eighth of the whole amount of the duty, was at all concerned in this discussion. In Mr. Wood's evidence he stated that in calculating what the differential duty ought to be, one halfpenny per gallon was the supposed value of decreases. He was authorised, however, to state to the Government, that the distillers were perfectly ready to give up that part of the differential duty which would be affected by this measure, rather than forego their just claim, so that let the Chancellor take his halfpenny by way of additional duty, and give us our just demand. The Chancellor of the Exchequer's figures, showing the increase in the consumption of home-made spirits, could have no weight whatever with the House, because the prosperity of any particular interest ought not to be made a reason against the removal of a grievance, provided a good case could be made out. The right hon. Gentleman seemed to wish the House to infer that the increased consumption was the consequence of the advantage enjoyed by the British distiller over the colonial distiller. But the fact was entirely different: the reason for the increase in the sale of home-made spirits had arisen simply from a circumstance which did not at all affect the present question—the reduction in the price of the grain which constituted the material of those spirits. He perfectly agreed with the right hon. Gentleman, that if there was to be that reduction of taxation which was generally demanded by the nation, the duty on spirits was perhaps the last tax that they ought to reduce. But the Irish and Scotch distillers did not ask for any reduction in the duty; and if, next year, the Chancellor of the Exchequer could show that the operation of this Bill had really occasioned a diminution of the revenue, those whom he (Lord Naas) represented would, he was sure, be quite willing to consent to any increase of duty which might be required to make up the deficiency which the revenue might have sustained. The amount of duty, therefore, had nothing on earth to do with this question; the complaint was that they had to pay for an article which at the time when the duty was paid was not in existence. They asked for the repeal of an unfair and most unjust restriction, and they asked for it on the principle of justice alone. The whole system of the warehousing would be left untouched by this Bill; it would create no inconvenience, and they would have exactly the same officers, the same locks, and the same houses. The right hon.

Gentleman said this Bill would create further temptations to collusion between the excise officers and fraudulent distillers. But the officers could connive with the distillers now with perfect ease if they were so disposed. The honesty of the officers was the only security to the revenue; and this measure would not take away a single existing check upon fraud. What was the position of the Irish and Scotch distillers? They, by the nature of their trade, found it of the greatest use to bond an article which became of superior value by being kept a considerable time. The English distiller, on the other hand, according to the nature of his trade, did not want to bond at all. He sold his spirits the moment they were made, to the rectifier, and obtained payment directly. The English distillers had been opposed to bonding for many years, merely from the selfish consideration that they did not want it themselves. They did not want to bond themselves, and therefore they used all their influence to prevent others in the trade from enjoying a considerable advantage from it—a dog-in-the manger like policy, which a free-trade Government ought to blush to encourage. So far from the Irish distiller being in a more advantageous position than the English as regarded the revenue, the fact was, he was in a far inferior position. There were not more than eleven distilleries for the whole of England, and they made the enormous amount of spirits which were drunk in this country. The House was perhaps not aware that there was not a single English distiller now distilling strictly according to Act of Parliament. The eleven English distillers were manufacturing their spirits in stills which were actually illegal, and were only sanctioned by a Treasury Minute, and not recognised in any Act of Parliament. But the English distillers had this further advantage over the Irish, that they obtained very large credits, and were often allowed to be in arrear with the payment of their duty. In fact, the eleven English distillers had a monopoly of the English trade, and they were afraid that if this restriction, however unjust, was not kept up, the Irish and Scotch distillers would, in the natural course of trade, send more whisky to England, and so interfere with their business. The Irish and Scotch distillers only asked to be put on the same footing as the foreign and colonial distillers; and their whole claim being a claim of justice and fairness, a claim which the House had on four distinct occasions acknowledged, he hoped the House would readily accede to it.

Mr. BRAMSTON said, that seeing that the interests of his constituents would be compromised by the measure of the noble Lord (Lord Naas) he should move that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Mr. BASS said, that the noble Lord who had brought forward this measure had been misinformed on some points on which he had rested the case of his Bill. The noble Lord had especially complained, on the part of the Irish and Scotch distillers, of their want of an export trade; but where could he hope for an export trade in British spirits, when every other country had a beverage which it preferred to anything we could send them? But he found, notwithstanding, that the fact was, that the export trade had actually increased from 73,000 gallons in 1848, to 330,000 gallons in 1850. Again, Ireland consumed fifty gallons of her own spirits to one gallon of colonial spirits; and Scotland consumed fifty-six gallons of her own to one gallon of colonial. It was quite absurd, therefore, to talk of competition. The noble Lord also complained that the English distillers had a certain degree of credit allowed them by the Government, and that the revenue suffered loss in consequence; but the fact was, that during a period of fifty years there had only been one loss of the kind, therefore the Irish and Scotch distillers had no great cause for complaint on that ground. The noble Lord said it was a question of competition between the English distillers and the Scocth and Irish distillers; but whereas there were about 26,000,000 gallons of British spirits manufactured, 20,000,000 of them were made by the Irish and Scotch. He agreed with the noble Lord that that was no reason why they should not manufacture more, but it was an argument to show that they could not at present labour under any serious disadvantage. They had a total monopoly of the consumption in their own countries; and, when the spirit-consuming qualities of the inhabitants of those countries was considered, that was no light matter, for an Irishman consumed more than two Englishmen, and a Scotchman more than five Englishmen. He had himself seen the secretary of the body of English distillers and rectifiers that very day, and had been assured by him that they regarded this Bill as an attack upon them. Even viewing the question as one of domestic industry, as the hon. Member for Buckinghamshire (Mr. Disraeli) had done on a former occasion, they ought not to be called upon to encourage Irish and Scotch industry at the expense of English. The Bill was one which the House ought not to concede.

Mr. REYNOLDS said, he should support the second reading. He maintained that the question before the House, when stripped of all the technicalities in which it had been enveloped, was simply this—Were the Irish and Scotch distillers to be allowed any deduction on account of leakage and evaporation? He did not see why the 167 distillers in Scotland, and the 56 in Ireland, should be sacrificed for the benefit of ten or eleven monopolists in England. The Irish Brigade were often accused of offering a factious opposition; but he thought the Treasury bench were now offering a factious opposition on a question upon which they had been beaten four times. On the 11th of June last year the Government were beaten by a majority of 85 to 53; on the 4th of July they were beaten by 135 to 95; on the 8th of July they were beaten by 121 to 120; and on the last division the Government were beaten again. 481 votes had been given in the course of those four divisions in favour of the Bill, and 391 against it. The Government had been beaten four times, and there they were still. He believed they would be defeated again on the second reading; and he would ask the right hon. Chancellor of the Exchequer whether he intended to persist in his factious opposition to the measure? The settlement of 1848 had been talked of in that discussion; but that arrangement had been determined upon by a Committee of that House which did not contain a single Irish Member, and which did not call a single Irish witness. Ireland, therefore, had never consented to that settlement of the question; and until justice was done to the Irish distiller, Ireland must continue to repeat her demand for a fairer and more equitable adjustment.

Mr. GOULBURN said, he did not consider this as a question of small or of minor importance. He did not even consider it of small or of minor importance as regarded the Scotch and the Irish distillers. Considering, as he did, that these distillers were now asking from that House an indulgence and a favour, as compared with other dealers in spirits, to which they were not entitled, his firm belief was, that whatever might be the result of the present discussion, or of the present Bill, the ultimate consequence must necessarily be a general conviction throughout the country that an advantage had been conceded to them which they were not entitled to receive; and a reaction would follow, leading to the depression of the very interest which hon. Gentlemen now advocated. There was nothing more fallacious in the discussion of commercial or of financial questions, than the taking a partial view of the regulations under which they were placed. To say that there was an inequality of taxation in any particular branch, without considering the corresponding inequality in another, was sure to lead to fatal error, and to involve their financial arrangements, perhaps, in inextricable anomalies; and yet that was the course in which the House was advised to take on the present occasion by the supporters of this Bill. The question of spirits was a question, as he had said, of the greatest importance to this country; because we derived no less than between 8,000,000*l.* and 9,000,000*l.* of our annual revenue from it, which was paid easily and regularly into the national exchequer. It was no light matter, therefore, to affect, by a partial change in the law, a revenue so important under all circumstances, and perhaps most important of all, because it was raised in a manner less objectionable, perhaps, than any other species of impost. This question of spirits was settled in 1848. The hon. Gentleman the Member for the city of Dublin (Mr. Reynolds) said that as there was not an Irish Member on the Committee which sat in that year, Ireland therefore was not bound by the result. Now, he (Mr. Goulburn) could state that the case of the Irish and Scotch, as well as of the English distillers, as against that of the colonial distillers, was ably represented before the Committee, and the Committee heard all that could possibly be said on the subject. But it was not the Committee which made the regulation as to Irish spirits—it was the House of Commons. Every man had an opportunity of stating his objections, and having stated them, and been overruled by the majority, he was as fully bound by the decision as any other Member was. Viewing the settlement of 1848, then, as a general arrangement, the question was, had the

Scotch and Irish distillers suffered any injury under it, and was there now any ground for giving them a special advantage? So far as facts and documents went, he thought that absolutely the reverse of that was the case. They were told that the distillers did not make as much spirits now as they did in 1835; but what had that to do with the question as to how far the arrangement of 1848 had, or had not, been productive of benefit? The fact was, that before 1848 the spirits made in Scotland and Ireland amounted to 14,000,000 gallons, while in 1850 it was 20,000,000 gallons. It also appeared that there had been a diminution in the consumption of rum in those countries from 557,000 gallons in 1847, to 360,000 gallons at the present time; while there had been a corresponding increase in the consumption of home-made spirits. The augmentation in the export trade of Scotch and Irish spirits had been no less than 700 per cent during this period. Was that a proof that the law, as regarded colonial spirits, was at all prejudicial to the interests of the Scotch and Irish distillers? Nor had the English distillers, with all the advantages thay were said to possess, been able to keep the Scotch and Irish distillers out of the English market, for the last return showed that one-third of the whole consumption of that part of the United Kingdom had been furnished by the Irish and Scotch distillers. The House should recollect that the success of this Motion would overthrow an existing arrangement. English spirits were manufactured under very different circumstances from those of Scotland and Ireland, for while the latter were bonded in a state palatable to the taste of the consumer, the English distiller could not bring his spirits into the market before they had undergone the subsequent process of rectification. If, therefore, this Motion were agreed to, they must allow the English rectifier to place his spirits in bond, and this would open the door to extensive frauds upon the revenue. The course which the House was asked by the noble Lord (Lord Naas) to pursue was dangerous to the revenue, dangerous to the interests of other dealers in spirits, and would ultimately, he was convinced, overthrow the small advantage which the Irish now sought to obtain for themselves by that reaction which injustice never failed to create.

Question put, "That the word 'now' stand part of the Question."

Mr. Reynolds

The House divided:—Ayes 166; Noes 194: Majority 28.

List of the AYES.

Anstey, T. C.
Arbuthnott, hon. H.
Archdall, Capt. M.
Baird, J.
Bankes, G.
Barron, Sir H. W.
Barrow, W. H.
Bateson, T.
Benbow, J.
Bentinck, Lord H.
Beresford, W.
Best, J.
Blair, S.
Blake, M. J.
Boldero, H. G.
Booth, Sir R. G.
Boyd, J.
Bremridge, R.
Brooke, Lord
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Campbell, Sir A. I.
Charteris, hon. F.
Chatterton, Col.
Chichester, Lord J. L.
Clements, hon. C. S.
Cochrane, A. D. R. W. B.
Coles, H. B.
Conolly, T.
Cotton, hon. W. H. S.
Cowan, C.
Crawford, W. S.
Dawson, hon. T. V.
Devereux, J. T.
Disraeli, B.
Dodd, G.
Duncan, G.
Dundas, G.
Dunne, Col.
Du Pre, C. G.
Fagan, J.
Fellowes, E.
Fergus, J.
Ferguson, Sir R. A.
Forbes, W.
Forester, hon. G. C. W.
Fox, R. M.
Fox, S. W. L.
French, F.
Frewen, C. H.
Fuller, A. E.
Gaskell, J. M.
Gilpin, Col.
Goddard, A. L.
Gooch, E. S.
Goold, W.
Gordon, Adm.
Grace, O. D. J.
Grogan, E.
Gwyn, H.
Hallewell, E. G.
Hallyburton, Lord J. F. G
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Hastie, A.
Hayes, Sir E.
Henley, J. W.
Herbert, H. A.
Higgins, G. G. O.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hodgson, W. N.
Hope, Sir J.
Hope, H. T.
Hornby, J.
Howard, Sir R.
Hudson, G.
Johnstone, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Keating, R.
Keogh, W.
Kerrison, Sir E.
Knox, Col.
Knox, hon. W. S.
Langton, W. H. P. G.
Lawless, hon. C.
Lennox, Lord H. G.
Leslie, C. P.
Lindsay, hon. Col.
Lockhart, W.
Long, W.
Lowther, hon. Col.
Lowther, H.
M'Cullagh, W. T.
Magan, W. H.
Meagher, T.
Mahon, The O'Gorman
Mandeville, Visct.
Manners, Lord C. S.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Maxwell, hon. J. P.
Meux, Sir H.
Milton, Visct.
Moffatt, G.
Monsell, W.
Moore, G. H.
Mullings, J. R.
Mundy, W.
Muntz, G. F.
Murphy, F. S.
Napier, J.
Newdegate, C. N.
Newport, Visct.
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir L.
O'Brien, Sir T.
O'Connell, F.
O'Connell, M. J.
O'Connor, J.
O'Ferrall, rt. hn. R. M.
O'Flaherty, A.
Packe, C. W.
Pakington, Sir J.
Pilkington, J.
Power, Dr.
Prime, R.
Renton, J. C.
Repton, G. W. J.
Reynolds, J.

Roche, E. B.
Sadleir, J.
Sandars, G.
Scott, hon. F.
Scully, F.
Seaham, Visct.
Seymour, H. K.
Sibthorp, Col.
Smollett, A.
Somers, J. P.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stuart, H.
Talbot, J. H.
Taylor, T. E.
Tennent, R. J.
Tyler, Sir G.
Verner, Sir W.
Vesey, hon. T.
Vyse, R. H. R. H.
Waddington, D.
Waddington, H. S.
Walsh, Sir J. B.
Whiteside, J.
Willoughby, Sir H.
Wynn, H. W. W.
Young, Sir J.

TELLERS.

Naas, Lord
Mackenzie, W. F.

List of the NOES.

Abdy, Sir T. N.
Adair, H. E.
Adair, R. A. S.
Alcock, T.
Armstrong, R. B.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F.T.
Bass, M. T.
Beckett, W.
Bell, J.
Bellew, R. M.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Blackstone, W. S.
Bouverie, hon. E. P.
Bowles, Adm.
Boyle, hon. Col.
Bramston, T. W.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, H.
Brown, W.
Bunbury, E. H.
Buxton, Sir E. N.
Cardwell, E.
Carew, W. H. P.
Carter, J. B.
Childers, J. W.
Cholmeley, Sir M.
Clay, J.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Clive, hon. R. H.
Cockburn, Sir A. J. E.
Collins, W.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, R. W.
Currie, H.
Curteis, H. M.
Dashwood, Sir G. H.
Dawes, E.
Denison, E.
Denison, J. E.
D'Eyncourt, rt. hn. C. T.
Divett, E.
Douglas, Sir C. E.
Duckworth, Sir J. T. B.
Duncan, Visct.
Duncombe, T.
Dundas, Adm.
Dundas, rt. hon. Sir D.
East, Sir J. B.
Ebrington, Visct.
Ellis, J.
Elliot, hon. J. E.
Estcourt, J. B. B.
Euston, Earl of
Evans, Sir De L.
Evans, J.
Evans, W.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Forster, M.
Fortescue, hon. J. W.
Freestun, Col.
Gallwey, Sir W. P.
Geach, C.
Glyn, G. C.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granger, T. C.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, R. W.
Grosvenor, Lord R.
Guest, Sir J.
Hanmer, Sir J.
Harris, R.
Hatchell, rt. hon. J.
Hawes, B.
Headlam, T. E.
Heneage, E.
Henry, A.
Herries, rt. hon. J. C.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Howard, Lord E.
Hutchins, E. J.
Hutt, W.
Jermyn, Earl
Johnstone, Sir J.
Kershaw, J.
Labouchere, rt. hon. H.
Lacy, H. C.
Langston, J. H.
Lawley, hon. B. R.
Lewis, G. C.
Littleton, hon. E. R.
Locke, J.
Lygon, hon. Gen.
Mackinnon, W. A.
Mangles, R. D.
Marshall, W.
Martin, J.
Martin, C. W.
Masterman, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Miles, P. W. S.
Milner, W. M. E.
Molesworth, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Norreys, Lord
Ogle, S. C. H.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Pechell, Sir G. B.
Peel, F.
Pendarves, E. W. W.
Perfect, R.
Philips, Sir G. R.
Pigot, F.
Pinney, W.
Powlett, Lord W.
Price, Sir R.
Reid, Col.
Ricardo, O.
Rice E. R.
Rich, H. K.
Robartes, T. J. A.
Romilly, Col.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Salwey, Col.
Sandars, J.
Scobell, Capt.
Scrope, G. P.
Seymour, Sir H.
Seymour, H. D.
Seymour, Lord
Shafto, R. D.
Shelburne, Earl of
Smith, rt. hon. R. V.
Smith, J. A.
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.
Spearman, H. J.
Stanley, hon. W. O.
Stansfield, W. R. C.
Strickland, Sir G.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Townley, R. G.
Trelawny, J. S.
Tufnell, rt. hon. H.
Tynte, Col. F. J. K.
Vane, Lord H.
Verney, Sir H.
Villiers, Visct.
Vivian, J. H.
Wakley, T.
Wall, C. B.
Wawn, J. T.
Westhead, J P. B.
Willcox, B. M.
Williams, J.
Willyams, H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wrightson, W. B.
Wyld, J.
Wyvill, M.

TELLERS.

Hayter, W. G.
Hill, Lord M.

Words *added;* Main Question, as amended, put, and *agreed to;* Second Reading *put off* for three months.

VALUATION (IRELAND) BILL.

Order for Committee read.

MR. SCULLY said, that as far as he understood the subject, the principle of the Bill was to value lands and tenements in Ireland on a scale founded upon the prices of agricultural produce, and that such valuation should continue in operation for the next fourteen years. He objected to the returns of 1849 and 1850, on which the calculation of prices was based, because he considered them incorrect. He had no objection that the price of agricultural produce should be an ingredient in the valuation of land; but if it were to be so, the question must be asked of the Government whether the scale could be correct, or corresponding with the prices at present existing in Ireland. He had moved for returns from thirty-six towns, having reference to the prices of agricultural produce; but these were so mystified that he thought the recognised organ of the Government in Ireland had justly remarked that no dependence could be placed on the figures; any scale derived from them must be totally worthless as a criterion of agricultural prices in Ireland. He would suggest to the right hon. Gentleman the Secretary for Ireland the expediency of introducing into Ireland a mode of ascertaining the average prices of agricultural produce, such as existed in England, where these average prices were used to ascertain the value of tithes, and for other purposes. With respect to the particular provisions of the Bill, he called attention to the circumstance, that while the Lord Lieutenant had power to appoint Sub-Commissioners, and the Chief Commissioner to appoint valuators, the ratepayers had no right to name a single individual. He objected to a mere arbitrary Court of Appeal, such as the Bill proposed, and thought it monstrous that those small holdings below 5*l.*, which had hitherto been exempt from county cess, should be brought under taxation. The entire machinery of the Bill was very complicated; there were numerous forms and technical points to be observed, and he apprehended that the measure would be distasteful to the country. As matters stood, they had had enough of Valuation Bills for Ireland, and he thought the complicated machinery of the present Bill would rather make matters worse than otherwise. The cost of the primary valuation in the part of the country with which he was connected, under the present Act, was 22,000*l.*, or 5*d.* in the pound on the valuation, and the expenses under this new Bill would be equally great. He thought a commission of valuation in each county, with a sufficient staff, to go from barony to barony, would lead to a correct valuation in Ireland; and he hoped the adoption of some such scheme would not be overlooked by the Government. It was most important, both as regarded the Registration Bill of last Session, and the Incumbered Estates Court in Ireland, that a correct valuation should be established in that country; but he objected to the mode of obtaining it laid down in the present Bill. It would depend upon the view of the measure taken by the Irish Members whether he should move in the present stage that the Bill be postponed; and, therefore, in the meantime he contented himself with expressing his individual opposition to the measure.

Sir DENHAM NORREYS hoped they would not go on with the Bill in its present form, and that before they proceeded with the measure there would be some modification of it. The present valuation had cost over 270,000*l.*, which must have been drawn from the county rates in Ireland. Besides that, there were the salaries of the Commissioners of Valuation, which were paid out of the Consolidated Fund. Notwithstanding that expense, twenty-six counties only were valued, and six counties were still unvalued in respect to what was called the uniform valuation, though the work had been going on for twenty-one years. And now they were about to commence a valuation on a new principle, after all their waste of time and of money. He must complain of the injustice which had been done by this Bill to town property particularly in Ireland. Formerly a general average valuation was made of houses, and then one-third of the value was struck off to bring them down to their comparative value in relation to the land in the district. It was admitted that up to 1846 the valuation of land was about 25 per cent under its letting value, and about 33 per cent was struck off the value of houses. Five years since the valuation of land was 25 per cent under the letting value, and he saw no reason why in five years hence the valuation might not be again under the real value; but by this Bill the towns were to be subject to taxation according to the full value, and the 33 per cent, which had hitherto been struck off on making them liable to the county taxation, was not in future to be struck off. If the Government were resolved on proceeding with the Bill, he trusted they would only adopt that portion of it which applied to tenement valuation, and that the present townland valuation might be completed.

Sir JOHN YOUNG supported the Motion for going into Committee. The present Bill was brought in to avoid the evils incident to the existing system of valuation in Ireland; and he thought the objection which the hon. Member for Tipperary (Mr. Scully) had taken with regard to the scale of prices of agricultural produce, was a point which might be well considered in Committee.

Mr. SHARMAN CRAWFORD said, he should oppose the Bill, because he considered that it was based on false principles, and would not practically answer the purpose for which it was intended, though he was willing to admit that the present law was in an anomalous state, and required amendment. It was of great importance to have a correct tenement valuation in Ireland, seeing that it would have the effect of settling the value of the franchise in that country in cases where it was in dispute. He would not then enter into the subject of the averages; but he would suggest that the House should postpone going into Committee on the Bill until they had some efficient mode of taking the averages correctly.

Mr. ROCHE said, a necessity existed for an uniform system of valuation in Ireland; but he admitted that was one of the desirable things which appeared to him to be next to impossible. It was still more desirable that that valuation should be a correct one. Of all times the present was the most inopportune to commence such a valuation in Ireland as that which the Bill proposed. He denied that the present prices of agricultural produce in Ireland, especially the price of beef and mutton, bore that relation to each other which was put down in the Bill. He would counsel the House to wait until the different relations of property were fixed; and the state of the country became more settled, before they applied themselves to make a really true and fair relative valuation of land in Ireland. If they persisted at present, they ran the risk of committing serious errors.

Mr. MONSELL would suggest to the hon. Member for Tipperary (Mr. Scully), that it would be better that the House should go at once into Committee on the Bill, than that hon. Members should at that moment raise a discussion on the clauses.

House in Committee; Bill committed *pro formâ;* House resumed; Committee report progress.

The House adjourned at twenty-four minutes after Five o'clock.

HOUSE OF LORDS,

Thursday, July 10, 1851.

Minutes.] Public Bills.— 2ª Burgesses and Freemen's Parliamentary Franchise; Gunpowder Stores (Liverpool) Exemption Repeal.

COUNTY COURTS—JURISDICTION IN BANKRUPTCY.

Lord BROUGHAM observed, that about ten days ago he had told their Lordships that he would inform them of the course which he intended to pursue with regard to two very important Bills, one of which had come to a second, and the other to a third reading. Those Bills had excited great attention in the country, and much interest had been exhibited regarding them both in and out of the profession. He would now mention the course he intended to pursue respecting both Bills, and the reasons which had induced him to pursue it. The Extension of the County Courts Bill (No. 2) was a Bill to transfer the country jurisdiction in bankruptcy to the County Court Judges, thus saving the expense of the existing Courts of Bankruptcy. Considerable objections had been urged against this Bill both by the Bankruptcy Commissioners and the Judges of the County Courts, on account of its retrospective operation. It had been said, that if a barrister had left his profession, to take upon himself the office of a Judge in the County Courts, without any stipulation that he should reside in his district, he ought not to be compelled to reside permanently in that district. He so far agreed with those who advanced this objection as to think that the Act should be made prospective, and should not affect the Judges already appointed. It was not his intention, however, to proceed any further with that Bill, nor with any portion of it, during the present Session. It was a measure which ought to be taken up by his noble and learned Friend on the woolsack, and ought to be carried through Parliament as a Government measure. He should only continue to take charge of it if they declined. The other was a Bill, in favour of which he had presented many petitions, and which, he verily believed, would confer great benefit on the country. It was a Bill to confer upon the County Courts in certain cases an equitable jurisdiction. He would not at present say anything further on the subject, than that, in his apprehension, no single measure would tend more to facilitate the working of the great plans which occupied all men's minds at present for amending the proceedings in the Court of Chancery. To make that Court tolerable to the country, it would be found necessary, in addition to the new arrangements of the proceedings which were now under consideration in the other House, to make a fundamental improvement in the proceedings themselves. Increase its judicial force as you would, still you would not give a real and substantial relief to that Court and to the country, if you did not make a very great—he would not say a radical—alteration in its proceedings. In his belief, the addition of an equitable jurisdiction to the County Courts would be a relief useful and salutary to the Court of Chancery, but yet not enough to satisfy the country. He was sorry that he was not in a position to proceed further with that measure at present—they were now at the 10th of July—and he should not have the least chance of getting such a measure as this passed into a law during the present Session. He therefore, however reluctantly, proposed to postpone that Bill till next Session.

MERCHANT SEAMEN'S FUND.

The EARL of ELLENBOROUGH rose, in pursuance of his notice, to move for certain reports and returns relative to the Merchant Seamen's Fund, which he thought ought to be in the hands of their Lordships before they proceeded to discuss the measure on this subject, which was likely to come up to them soon from another place. That measure was so much mixed up with money matters that it would be impossible for their Lordships to make any alteration in it; and he should, therefore, offer a few remarks upon it now, in the hope that they might be found useful elsewhere. He viewed with great regret this measure for winding up the Merchant Seamen's Fund; but it would be in vain, he believed, to bring forward arguments in the hope of persuading Government to desist from the measure which they had already brought in. He would, however, state, in the presence of the noble Earl the Vice-President of the Board of Trade (Earl Granville) the reasons why that measure, if persisted in, should not be carried out in the way developed in the provisions of this Bill. The Merchant Seamen's Fund was established so far back as the reign of William III.; but the arrangements at present in force were founded on an Act passed in the time of George II. In the second year of the reign of that king, an Act was passed whereby the merchant seamen were bound to pay to Greenwich Hospital a tax of 6*d*. a month out of their wages to provide for the relief and support of disabled seamen, and of the widows and children of such of them as should be killed, slain, or drowned in the merchant service. In the year 1834 a measure, miscalled an Amendment, was introduced upon this subject—not by the Government, but by a private individual—and was at last acquiesced in by the Government very reluctantly. By that measure—the Act 4th and 5th of William IV., c. 34—the contribution of 6*d*. per month by seamen in the merchant service to Greenwich Hospital was to cease from the 1st of January, 1835, and 20,000*l*. a year was to be advanced from the Consolidated Fund to Greenwich Hospital to make good the deficiency caused by the cessation of such contribution, and the whole of the payment was thenceforward directed to be paid to the Merchant Seamen's Fund. But unfortunately that measure contained a provision granting pensions not only to the widows of all seamen who were killed or drowned in the service, but likewise to the widows and orphans of all such as had contributed for twenty-one years, or who died in the profession. This important measure was passed at the end of the Session, without any steps being taken to ascertain its financial capability; Committees were appointed in 1840, 1844, and 1847 on the subject, and then upon calculation it was ascertained that instead of the 9*s*. contributed by seamen on the average during the year, it would have required the payment of 2*l*. 15*s*. per annum to support all these pensions, and the result was, that the fund had become irretrievably bankrupt. The Bill was introduced for the alleged purpose of benefiting the merchant seamen, and it was said that it was hard that they should be obliged to contribute 6*d*. to Greenwich Hospital, from which they derived no benefit. That was not, however, strictly correct, for almost all merchant seamen passed in succession into the naval service in time of war, and moreover the shipowners paid one of the sixpences for the seamen; but after the passing of the Act he had mentioned, the payment of the whole shilling was thrown on the seamen. That change, therefore, was a benefit to the shipowners, and not to the seamen. In consequence of a Commission of Inquiry, a Bill was introduced on the subject in 1847, in which it was proposed that the shipowners should pay 1*s*. per ton to the fund; but unfortunately the Government were induced by the opposition of the shipowners not to press it to a successful issue; and matters had now come to this unfortunate result, that the Government proposed a Bill for winding up the fund. The number of persons affected by the Bill could hardly be less than 500,000; and they were deserving of the most kind consideration of the House and the country. One of the provisions of the Bill was, that hereafter there should be no contributions on the part of any persons who had not already contributed to the fund; and another provision necessarily introduced was that the Government should bear some of the weight of the pensions already incurred; but what he took exception to was the part which related to those who had not had pensions granted, but who, having paid to the fund, had an inchoate right to them. That provision was introduced, he would not say insidiously, but most carelessly and hastily. The Bill, moreover, after enacting that any seaman should be entitled to a pension who should have contributed for sixty months before the Act, or partly before and partly after the Act (in manner afterwards provided), provided "that no seaman should be entitled who, after the time fixed for the commencement of future contributions, and before finally quitting the service, should fail to contribute for a period of two years continuously." Now, this proviso would exclude a large number who had already acquired an inchoate right to pensions, by reason of their having contributed for five years or sixty months, and also would now have to contribute for two years longer, that is, for seven years altogether. Then, again, it was practically impossible for the seamen to pay for two years continuously, as even the young seamen were not employed above nine months in the year, the old seamen not above six, and they could only pay while they were employed. By a calculation made in 1847, there were, he believed, 800 persons who every year became entitled to the pension by being worn out; therefore, by the provision he had just referred to, 1,600 persons must be deprived of all claim to pensions, for it was morally impossible that being worn out they should be able to contribute for two years "after the passing of the Act, and before quitting the service." But the effect went beyond that, for a continuous payment was a thing unknown in the administration of the Merchant Seamen's Fund; the seamen only paid while they were employed, and the operation of the clause would be to deprive of all claim not merely 1,600, but double that number of most deserving persons, and probably every one who now had an inchoate claim to a pension. Thus the Government, while generously undertaking to pay existing pensions, practically excluded from benefit all persons who, by contributions, had acquired a claim. Then there was a provision in the Bill that all pensions hereafter to be granted should be on one uniform scale, according to the average rate of present pensions. Now, at present the rate was different at different ports; at Liverpool, in consequence of the seamen being engaged in voyages to foreign ports, their contributions were very large, and their pension amounted to 12*l.*; while in other ports where the men were engaged in the coasting trade it did not exceed 10*s.* Undoubtedly, on principle, all men paying the same sum should receive the same advantage; and if a new system were now to be established, that principle should be acted upon. But these men had established rights, and now the Government Bill for winding up the Fund proposed the Socialist principle of equalising all these rights, and creating a uniform rate of, probably, about 50*s.* Under this plan, many would obtain an advantage, but only to the disappointment of the just expectations of those entitled to pensions at any of the richer ports. The noble Earl then adverted to another provision of the Bill; to the effect that the aggregate number of pensions in each port should not exceed the average of the last five years, and observed, that by it many might be deprived of pensions to which they were entitled. Another provision was, that "the aggregate number of pensions to be granted at any port is not to exceed the average yearly number of pensions granted at such port during the last five years." How would this operate? At all the large ports during the last five years there had been a considerable increase of the number granted. But supposing that during that last year the number was less than the average of the five, there could be no doubt that the number to be granted would be far below the number of parties who had acquired the right. Then there were always seamen being discharged as worn out, and some sudden calamity might happen to a large port whereby twenty widows and two hundred orphans might be claiming the pension; but, bound by the limits introduced into the Bill, not one of these widows or orphans, so suddenly rendered destitute, could possibly receive any pension. Then, again, there was a provision to the effect that the aggregate amount of pensions at each port was not to exceed that of the preceding year until the new rules came into force. That, he supposed, was intended to control any extravagance on the part of the trustees before the new rules came into operation. But it might happen that during the first eleven months of this year there might have been granted pensions to the amount of all those granted the previous year, and if this were the case, the trustees would be prevented for a whole month from relieving any case however urgent or deserving. He recommended these matters to the consideration of the noble Earl (Earl Granville). He did not attribute to the Government any intention of doing wrong to the seamen; but he thought the measure afforded evidence of culpable negligence. He viewed with deep regret, with shame and humiliation, the determination of the Government to wind up the accounts of this Fund. Not only all other great States in Europe, but the smaller States, made provision for their worn-out seamen; and yet it was now proposed that this country, which pretended to the dominion of the seas, and which might have, in a future war, to contend for its very existence, and to depend for its security on the fidelity and affection of the merchant seamen, should throw them away, and tell them that they were to shift for themselves, for the State hereafter had no regard for them; and the poor seaman, who had passed his life in dangers and difficulties, must, in his time of need, go to the board of guardians and get from them, like a cotton-spinner or a weaver, such relief as they would grant. He could not bear to contemplate such a possible termination of the services of seamen. He had always been taught to consider them as the favoured children of the State, and he looked on the merchant seamen with the same regard as the seamen of the Navy. He could not but bear in mind that, under the old law of this country, strengthened by repeated Acts of Parliament, the Crown was justified in calling for the services of any one of those men in time of war, and he must say that at least it was an act of impolicy to do anything to disgust them, and teach them that the State did not regard them. Instead of selecting the present moment for treating the seaman with less regard, Government ought, looking at the tendency of other measures recently passed, to do all they possibly could to attach him to the country, and to induce him to give his services to England, and not to foreign countries. He could hardly trust himself with the further prosecution of this subject. "I feel (continued the noble Earl) most deeply many things which pass before my eyes day after day, indicating, as I think, that however this country may have increased in wealth, though not in proportion to the increase of wealth among other nations; but, whatever its increase of wealth, indicating that we are not at any rate in mind, spirit, and statesmanlike wisdom, the great people we once were. Nay, more than that; I will state that, looking at what is occurring day after day—at the inroads made on our old establishments, and the disregard shown to those who deserve the best of the country, I am led to believe that one of the greatest calamities which can affect a constitutional State is the long protracted continuance of a weak and timid Government." The noble Earl concluded by moving—

"That there be laid before this House a Copy of a Report from Mr. Alexander Glen Finlaison to the Right Hon. H. Labouchere on the Merchant Seamen's Fund, dated the 18th of March, 1850, and laid before the House of Commons, and by them ordered to be printed on the 26th of March, 1850; also any Reports received by the Board of Trade since the Report of the Commission of 1848, relating to the present condition and prospects of the Merchant Seamen's Fund."

EARL GRANVILLE was unwilling, considering the attention given to this subject by the noble Earl, to dispute his right to bring it before the House. He was grateful for any information which the noble Earl might give to the Government, but he did not think that the noble Earl's speech proved very conclusively the advantage of debating by anticipation a Bill now before the other House. He thought he should better consult their Lordships' convenience, and the regular despatch of business, by refraining from going into the clauses of the Bill at present; and he would only say that when the Bill came up from the other House, he thought he should be able to prove that the assertions made with regard to the general character of the measure were erroneous, and that the provisions of the Bill did not deserve the description given by the noble Earl. It was with extreme regret that the Government felt themselves under the necessity of winding up the Fund, and he concurred in what the noble Earl had stated with respect to the evils of the Act of 1834, and the injurious extension of the benefits of the Fund, which led to inevitable bankruptcy; but he must remind the noble Earl of the great difficulty in which Governments found themselves to meet that state of affairs. Valuable information was contained in the report of the Commission, and no one could feel that any want of respect was shown to its suggestions, for a Bill was brought into Parliament by the President of the Board of Trade, carrying them out. But with respect to all Governments, whether they deserved the name of weak and timid, or whether they were the strongest possible, it was not desirable, he apprehended, that they should press Bills completely in opposition to every one most interested and most informed on the subjects to which those Bills related; and the result of the introduction of the Bill recommended by the Commission was, that there was scarcely a single individual connected with the seaports who did not declare his determined opposition to it. Obviously, then, it was perfectly impossible to press the measure to a successful issue. The Government then attempted by another Bill, founded on a different principle, to induce the sailors to subscribe a little more, instead of depending on an insolvent fund. This was looked on by the sailors and different parties with distaste, and now the present measure was brought under the consideration of Parliament. It had passed through Committee in the other House that day, and the Government had persuaded the House of Commons to behave with unexampled liberality with the view that good faith might be kept with the sailors who had subscribed to the Fund. He therefore most deeply regretted to hear a speech delivered to their Lordships calculated to convey an idea that the measure, instead of constituting the only practical and advantageous arrangement, considering the insolvent state of the Fund, would bear hardly on the interests of a class of persons respecting whose merits his opinion did not differ from the noble Earl's. He could not concur in the noble Earl's observations respecting the state of the country. From his childhood he had heard persons, at different times, describe the country as being on the brink of ruin, and such descriptions continued to the present hour; but he believed that the country was never in a more prosperous condition, and he contemplated the efforts made to increase our commercial prosperity and the intellectual and moral state of the people with feelings of confidence rather than with the alarm expressed by the noble Earl.

LORD COLCHESTER blamed the Government for having allowed an Act to pass which produced the insolvency of the Fund. He regretted still further that this Bill did not profess to hold out any hopes that, after the few years in which this would be wound up, the Government would bring forward any other measure to provide for the sailors. There was hardly any country in Europe which did not provide for its seamen; and he trusted that the Government would not let it go forth to the seamen of this country that, when this was wound up, they could not look forward to any assistance from Government after age or other causes had disabled them for active service.

On Question, *agreed to*, and ordered accordingly.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, July 10, 1851.

MINUTES.] NEW WRIT.—For Scarborough, *v.* the Earl of Mulgrave, Comptroller of the Household; for Arundel, *v.* the Earl of Arundel and Surrey, Chiltern Hundreds.

PUBLIC BILLS.—1° Constabulary Force (Ireland).

2° Unlawful Oaths (Ireland); Turnpike Roads (Ireland); Private Lunatic Asylums (Ireland).

3° Chief Justices' Salaries; Inhabited House Duty; Assessed Taxes Composition; Public Works, Fisheries, &c.; Public Works (Ireland).

MERCHANT SEAMEN'S FUND BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

Clause 1 to 14 *agreed to.*

Clause 15.

SIR HENRY WILLOUGHBY inquired if it was the intention of this Bill to throw into one the funds of all the different ports in the kingdom, and to deal with them all alike?

MR. LABOUCHERE said, it was believed by persons competent to judge that there was not a port in the country in which this fund was not in a state of insolvency. Many were in such a state that, if left to themselves, they must either gradually reduce the rate of pensions to such a sum that they would not be worth having, or else they must sell out from their reserved fund to keep up the rate of pensions, in which case the reserved fund must, sooner or later, be exhausted. The present was a radically vicious system, and he proposed to take the assets as a whole throughout the country, and to apply them to the liquidation of the claims against the fund, in the manner proposed by the Bill. He did not propose to deal alike with all the ports of the country. He proposed to guarantee the existing pensions at all the ports, and, as these pensions varied in amount, the richer ports would still derive an advantage from their past good management. But it would be unjust to throw the entire burden of winding up the fund upon the public, and not to make the assets available for these purposes.

Mr. HENLEY regarded the statement just made by the right hon. Gentleman as one of the most painful which it was ever his fortune to hear from a Minister. The conclusion, he feared, was, that the situation of the merchant seamen had so much deteriorated, that a greater number had come upon the fund; or else how had it happened that it had become exhausted?

Mr. LABOUCHERE said, that he did not think that the condition of this class of persons had become deteriorated. The cause of the present state of the fund was, that it was originally founded upon vicious principles, and could not be self-supporting, and any intelligent actuary would have told the hon. Member (Mr. Henley) that the fund would blow up some day or other. What had ruined the fund was a provision introduced into an Act of Parliament by Mr. Pease, under which the widows and orphans of sailors were thrown on this fund to an unlimited extent. The fund was originally founded for broken-up sailors and the widows of those who had been maimed or killed. But the fund was now very much engrossed by widows and children, to the exclusion of the sailors. He had not found on the part of the economists in that House any indisposition to come to the relief of the seamen. It was not the fault of the sailor that the fund was insolvent, and it would be unjust and unfair to allow this meritorious class to bear the loss. He had therefore framed this Bill in a liberal spirit towards the sailor, and he lamented that it would be necessary to throw a burden of from 500,000*l.* to 800,000*l.* upon the general expenditure of the country. He could not consent to any proposal not to allow the assets at all the ports to make up the deficiency of the fund. By the arrangement he proposed, he should secure to all the receivers of a pension every farthing that they now received. All those who at present contributed to this fund might continue to do so, and they would derive the benefit of their pensions when they became entitled to them. At the same time, it would be left optional with the contributors whether they would go on contributing to it or not. He proposed to get rid of the fund, to sweep away the present system, and to do away with the complicated management, and the little trusts, with the separate expense of management.

Mr. FORSTER said, the right hon. Gentleman had undertaken a very ungrateful and troublesome task in attempting to settle that difficult matter, which should have been settled years ago; and he considered the right hon. Gentleman was entitled to great credit for the zeal and ability he had shown in the business.

Mr. CARDWELL said, that the plan proposed by this Bill had great advantages over that brought forward by the right hon. Gentleman last year, which would have had the effect of carrying on the present state of things *ad infinitum.* They were now about to make a large payment out of the public treasury; and he hoped they would derive an important lesson from the sacrifice they were obliged to submit to. The whole of the evils connected with the present state of the Merchant Seamen's Fund arose from the mistaken interference of that House in affairs which they had nothing to do with. By a system of interfering legislation they had created reasonable expectations, which they could not now disappoint, and which compelled them to impose a considerable sum upon the funds of the country. There could be no doubt that in some of the large towns the fund had been better managed than it had been in the smaller ports.

Mr. MILNER GIBSON said, the reason that some of these funds were better than others was, that in the early period of their lives sailors were generally employed in long voyages, and they embarked from such ports as London or Liverpool. When they became old, they were turned over to the coasting trade, and then belonged to some small port, and became a pensioner in it, and the Liverpool or London fund got rid of him. This was a case of going through the *Gazette*, an investigation into the affairs of a concern called the Merchant Seamen's Fund, and the unpleasant discovery that the parties who had the management of the funds could not pay 20*s.* in the pound, and were obliged to come to the State for the deficiency. But he hoped it would not be listened to for a moment that any of the funds should be withheld from the general fund.

Clause *agreed to;* as were the remaining Clauses.

Mr. HARDCASTLE said, he thought it extremely unfair that the funds which were well administered in certain ports should be taken away, and added to the general fund. He would therefore propose the insertion of the following Clause:—

> "Provided always, and it is hereby declared, notwithstanding anything herein contained to the contrary, that all moneys now invested or standing in the name or names of a trustee or trustees for any outport, pursuant to and under the provisions of the Act 4 and 5 William IV. c. 52, shall from and after the passing of this Act be laid out or disposed of in such way and manner for the benefit of the masters and seamen of and belonging to the port, for and in respect of which the fund and moneys were collected or contributed, as the trustees, masters, and seamen of such outport shall, at a meeting to be called by a notice in writing under the hands of the treasurer of the fund, or the receiver for the port, direct, such notice to be affixed on the outer door of the Custom-house of such port for at least ten days prior to the holding of the said meeting, and such meeting to be held withing three months from the passing of this Act."

Mr. CLAY supported the Motion. He believed there was a desire on the part of the seamen to preserve those local funds as the nucleus of benefit funds, to be enrolled according to Act of Parliament, and subject to the usual regulations. He thought the contributors to the fund ought to have the option of handing over their funds to the Government.

Mr. LABOUCHERE said, that all the calculations which had been made showed that every delay occasioned a further loss of money. The proposition of the hon. Member was so monstrous a one that he was sure the Committee would reject it, because it went to apply the funds to some local purpose, and to throw the whole responsibility of winding up the fund on the Exchequer. The funds of all the outports would, he believed, realise 180,000*l.*; but if the public took the responsibility upon themselves, they would have to make up a sum equal to 500,000*l.* or 800,000*l.* This they were ready to do; but the proposition of the hon. Gentleman was to allow the seamen to take the 180,000*l.*, and to escape all future responsibility.

Mr. HARDCASTLE said, he must deny that the sailors proposed to take the fund without the liabilities; they proposed to take a portion of the liabilities; striking off undeserving persons.

Mr. LABOUCHERE said, that the sailors did not propose to guarantee the existing pensions, but they wanted the funds to establish new benefit societies.

Mr. J. H. VIVIAN said, he should support the Clause. The local boards he was acquainted with had worked well, and they ought not to be deprived of the sums they had saved by good management.

The CHANCELLOR of the EXCHEQUER said that, under all the circumstances, he believed that the Bill now before the Committee was the best solution of the difficulties of this perplexing question. All cases of the kind could only be arranged by some sort of compromise, and accordingly he had consented to take upon the public charge a sum of at least 520,000*l.* for the purposes of this Act. He must say that that was a very considerable sum to be borne by the public; but if the Clause now proposed should be adopted, a still larger charge would have to be made upon the Consolidated Fund. He could not agree to that proposition, because he thought it an unfair and an unreasonable one.

Lord JOHN MANNERS would support the Clause. If the Bill were passed in its present shape, a damper would be thrown upon all provident societies, whose encouragement and promotion by the Legislature was an object of the utmost national importance.

Mr. WAWN thought it a monstrous proposition for Colchester, with its twenty-four pensioners, to insist upon keeping its fund, while Newcastle-upon-Tyne, with 6,000, was willing to give it up.

Sir GEORGE PECHELL did not think this a monstrous proposition at all. He thought the local boards ought to have the management of their own funds. He had been connected with the local board at Shoreham, and he found them quite competent to manage their own affairs.

Mr. LABOUCHERE was surprised at the intrepidity with which hon. Gentlemen continued to press this proposition on the Committee. He would only remind the Committee before they divided that the proposal was, that the Exchequer should have all the liabilities, and that where there were any assets in hand in any port, they should be retained by the port.

Mr. DUNCAN, as representing the second port in Scotland, must say he thought it very hard that they should be deprived of their accumulations.

Mr. ALEXANDER HASTIE said, he thought the proposition of the right hon. Gentleman a very liberal one, and that it was only right that the Government should take the assets towards the liabilities.

Sir JOHN JOHNSTONE thought the introduction of the Clause would damage the Bill, and he trusted the hon. Gentleman would not press it to a division.

Clause, by leave, *withdrawn*.

House resumed; Committee report progress.

INHABITED HOUSE DUTY BILL.

Order for Third Reading read.

Mr. DISRAELI said, he did not wish to offer any further obstruction to the Bill, but he could not permit it to pass without making another protest against it, as one of the most impolitic measures that had ever been introduced by a Minister. The whole principle of the Bill appeared to him to be incorrect. Viewed as a compensation to the revenue for the loss of the window tax, it was still a burthen. It was only a partial compensation, and at the same time it would prevent them from having recourse to a valuable source of revenue. He was not at all prepared for any discussion on the Bill that night, but he felt bound to express most distinctly his disapprobation of the measure. He was certain that but very few months would elapse before the House and the country would repent having given it their sanction. It was quite open to the Government to have dealt with the window duties so as not to cause any material diminution in the revenue; and he quite agreed with the sentiment expressed by the right hon. Member for the University of Oxford (Mr. Gladstone) upon the subject. That was a politic and statesmanlike sentiment, and expressed the true principles which ought to regulate our policy. He (Mr. Disraeli) felt quite certain that the compensation to the revenue ought to have been a complete one; and that in the present state of the finances they ought not to have acceded to any remission of taxes that should have involved a material sacrifice of the revenue. It was quite open to them to have reconstructed the window duties, and to have afforded to the builders of ships all the relief that they were entitled to expect, without any material sacrifice of revenue, like that which this Bill so unnecessarily threw away. It was quite clear that in the next Session they must meet a considerable deficiency in the revenue. They would have to find a substitute for that deficiency, and the course of policy which had been indicated was a return to direct taxation to a considerable extent. Now really he could not believe that the House would be prepared next year to have recourse to a measure founded upon a system which was only applicable to an exigency. He really could not believe that next year they would recur to extensive measures of direct taxation, which were to be framed on those principles upon which existing measures were framed—measures which were justifiable, in consequence of the emergency which called them forth, and which were confessedly adopted for temporary purposes. They would next year have to go into the whole discussion of the principles upon which direct taxation was founded, and they would have to encounter this most difficult question under the pressure of the necessary addition to our taxation, caused by this impolitic diminution of our sources of revenue. He begged to enter once more his firm and most conscientious protest against the measure, in which he felt certain that before next year the majority of the House and of the country would concur.

Lord JOHN RUSSELL would not enter into the question raised by the hon. Gentleman, which had been fully discussed on a former occasion, for it was quite certain that the principles upon which the Government had acted were considered by all economists to be most reconcileable with sound policy; but he would congratulate the House on having at length got rid of the window duty, which had interfered so much with the comfort and happiness of the people.

Bill read 3°, and *passed*.

BORNEO—SIR JAMES BROOKE.

Mr. HUME rose to propose the Motion of which he had given notice. He said, that at last an opportunity was afforded him of calling the attention of the House to transactions which had long been before the public, and to which he had given great attention. He was sorry that, upon the last occasion when this subject was introduced, some hon. Gentleman had diverted the attention of the House from that which was a public question, to a question of certain squabbles between private individuals. He deprecated that course at the time, and he still deprecated it, for he wished it to be considered as a public question of great importance, affecting the character of this country. He had been asked that very day why he brought forward this question at a period so long subsequent to the transactions to which it referred, and when it was impossible to remedy the evil. He could not for a moment acquiesce in any such opinion, and he was anxious to remind the House that he had endeavoured from a very early period to bring the question before their consideration; but he must say he never knew a question which was kept in so much doubt and secrecy, or in which he had encountered so much difficulty in obtaining from the Government those official documents and papers which ought to have been on the table long ago. A charge had been made by the hon. Member for West Surrey (Mr. Drummond), that he (Mr. Hume) had been urged on by an individual who was hostile to Sir James Brooke; but he denied that such was the fact. He was not the tool of any man, and he had taken up this question upon his own conviction of the necessity and justice of doing so as a public man. He was not the only one who thought so, for he learnt that a great public association in this metropolis had had the matter under their consideration. In order to show that he was not actuated by any private or personal feelings in the matter, he might state that it was first brought under his attention by an extract from a Singapore paper which appeared in the *Daily News* of the 25th of June, 1849, and which stated that in March and April the naval force of the *Nemesis*, belonging to the East India Company, and in the pay of the British Government, had joined a collection of prahus with Sir James Brooke, and had proceeded to attack certain portions of the Dyaks of the Sarebas and Sakarran rivers, in the island of Borneo; but the paragraph which most attracted his attention was the one in which it was asked whether it was creditable to our naval forces to aid or take part in cruel butcheries, and brutal murders of the helpless and the defenceless? After reading this account, he (Mr. Hume) came down to the House and asked the First Lord of the Admiralty whether he had received any despatch from the *Nemesis*; and the answer was that none had been received, although there was a naval regulation, by which every officer commanding a fleet was bound to despatch to the Admiralty by the first opportunity an account of every proceeding of such a nature. On the 4th of February, 1850, he asked the noble Lord at the head of the Government—

> "Whether he would lay upon the table of the House the reports furnished by the commanding officers, whether of Her Majesty's or the East India Company's navy, engaged in operations for the alleged suppression of piracy against the natives of Borneo, on the rivers Moratatias, Sarebas, Sakarran, and other places during 1849; together with the correspondence between Sir James Brooke and Her Majesty's Government on the same subject? He asked the question, because very great anxiety existed in the public mind on the subject."

The noble Lord said in reply—

> "That the Government were ready to lay upon the table any information they possessed on the subject to which the hon. Gentleman referred. At the same time, he was not aware that the Government were in possession of any information beyond the reports of officers of Her Majesty's Navy."

Upon the 4th of March he complained of the delay of the papers promised by the noble Lord, and upon the same day the noble Lord said—

> "He had hoped that those papers would have been prepared before Parliament met, and he was not at present aware of the causes which had delayed them."

Upon the 8th of March he gave notice that he should again call the attention of the House to the subject. On the 21st he moved for copies of Sir Francis Collier's orders to Commander Farquhar, alluded to in Commander Farquhar's report of the 25th of August, 1849, in reply to which the First Lord of the Admiralty stated that some of the papers he had not got, and that there was one for which he apprehended he should have to write out—he had no objection to the production of the papers. On the 9th of April he complained that some returns respecting the Admiral's orders had not been presented. Upon the 23rd of May, upon the vote for head-money, he asked for information; and in reply to his hon. Friend the Member for the West Riding (Mr. Cobden) the First Lord of the Admiralty stated—

> "That ships were sent specifically for the purpose of this expedition by Sir Francis Collier, the admiral on the station. The orders under which they acted were, to be exceedingly careful as to the parties whom they attacked; but his impression was that the hon. Member had misunderstood the order."

On the 12th of July the right hon. Gentleman said that he

> —"had another explanation to offer. The hon. Member for Montrose had moved for the naval instructions under which the parties acted, and it

was complained that that return had not yet been made. The fact was, that a copy of the instructions had been written for; but, in consequence of the death of Sir Francis Collier, and of other circumstances, there had been great delay in supplying it. But it was quite clear that Sir Francis Collier must have been a party to the transaction, for Captain Farquhar, in one of his communications on the subject, stated that, in consequence of the orders he received, he did so and so."

He mentioned these circumstances to show that he, at all events, was not chargeable with the delay that had occurred; because he had done everything in his power to bring the question before the House at an earlier opportunity. A point of great importance connected with this was, that we, who were so chary of life in this country, and who were hesitating even whether we should permit punishment of death for murder, were allowing murders to the extent of 1,500 or 2,000 at a time to take place under the eye of an officer holding Her Majesty's commission, and paid by the public, and took no notice of the transaction. It was supposed by many that he wished to attack the character of Sir James Brooke. Undoubtedly, so far as Sir James Brooke was an actor in those scenes, his character might be affected; but this was a question of such a nature, that in his opinion it implicated Her Majesty's Ministers and all parties who permitted these enormities without taking the proper and constitutional course to prevent them. The hon. and gallant Admiral the Member for Greenwich (Admiral Dundas) well knew that every officer was bound from time to time, and at the first opportunity, to send in a return of all proceedings and transactions in which he was engaged; and why then, he asked, at the end of the year, were not Sir Francis Collier's orders to Captain Farquhar sent home? It was no answer to say that Sir Francis Collier was dead, because it was the duty of his successor to make the return. Still these instructions had never yet been produced. He had held in his hand the report of Captain Farquhar, which, after referring to the operations of the cutters *Albatross* and *Royalist* against the Dyaks, went on to state, that the Dyaks, who were attacked in their prahus, being almost devoid of fire-arms, were incapable of standing against our armed force, which destroyed everything in its way, meeting with little or no resistance. He would trouble the House with a brief recapitulation of some of these enormities, and he did not believe it possible that any unprejudiced person could hear these statements and not support his Motion for an inquiry. He found in a Parliamentary paper, No. 378 of the present Session, the following letter from Captain Wallage to Captain Johnstone:—

"Hon. Company's steamer *Nemesis*,
Aug. 26, 1849.

"Sir—I have the honour to inform you that, on the 20th of July, I received instructions from Captain Farquhar, of Her Majesty's sloop *Albatross*, senior officer in Borneo, to prepare to proceed against some piratical stations between the rivers Sarawak and Tanjong Sirick, assisted by a native force under Sir James Brooke, K.C.B., Rajah of Sarawak, and boats of Her Majesty's ships *Albatross* and *Royalist*.

* * * * *

"The *Nemesis* had hitherto remained in position, but ready to move at a moment's notice to any point where her services might be required. The time for action had now arrived. Perceiving by the fire from Captain Farquhar's boats that the enemy had put to sea, I gave chase, and in a short time fell in with seventeen prahus, which had succeeded in escaping from him, and were making in line a-beam for the Batang Lupar; on coming abreast of them I fired the starboard broadside with canister shot along the whole line, the nearest prahu being about twenty or thirty yards distant; the small-arm men at the same time keeping up a constant and important fire on them. We then wore, breaking the line, and driving many prahus on shore in a very crippled state, where they fell an easy prey to a division of native boats under Mr. Steel, of Sarawak, who did good service without interfering with our fire.

"We now followed five prahus which still pressed on for the Batang Lupar, and, on coming up with them, passed round each successively, and destroyed them in detail, by keeping up a constant fire of grape shot and musketry, until they drifted past us as helpless logs, without a living being on board, their crews having either been killed or jumped overboard, with the hope of swimming on shore, which few could possibly accomplish. * * *

"August 3.

"The force proceeded up the river Pakao (a branch of the Sarebas), leaving the *Nemesis* to guard the main river, where we captured or destroyed fifty-eight of the enemy, who were trying to make their escape up the river Paddi.

"On the 7th the force returned, having captured and burnt (after a slight resistance) two piratical towns, a quantity of paddy, salt, cotton, &c., and on the 10th the whole force assembled at the Rijang, and proceeded up that river to a branch named Kanowitt, up which the boats went to a distance of forty miles, and destroyed several villages on the banks.

"On the 18th we anchored off the town of Kanowitt, which is situated in a strong position at a point of land commanding two rivers, and, as the inhabitants had been aiding the piratical towns, Her Majesty's Consul General determined that they should pay a fine, which, after a short delay, they did, and the force returned to Sarawak."

The whole gist of his Motion depended

upon this point—whether the Dyaks who were thus massacred in hundreds were pirates or not—whether they had been acting, or ever did act, as pirates; and he believed he could establish the negative of that proposition to the satisfaction of the House. Now a paper had been presented that very day to both Houses of Parliament, by command of Her Majesty, but upon what ground it was laid before them, no man could possibly conjecture. It was made up of what were called historical notes and correspondence concerning piracies in the Eastern Archipelago. That document stated that the numerous tribes who were guilty of piracy in those seas used boats or prahus, each containing forty or sixty men, and armed with small cannon; that they often sailed in fleets of six or seven boats, sometimes of twenty boats, and, on extraordinary occasions, of even 100; and they pursued their prey by the combined assistance of sails and oars. But throughout the whole of that document the Dyaks of the Sakarran and the Sarebas were not so much as mentioned—there was not a word about those tribes to which the 1,500 or 2,000 persons who were massacred belonged. He wished the House, therefore, to draw a distinction between those who were pirates and those who were not. What would be thought, if, because a murder had been committed in the square in which he lived, everybody belonging to that square was to be put to death? Yet that was only a fair analogy of what had been done in the indiscrimate slaughter of these Dyaks. Now, in order to show the irregularity and illegality of these proceedings, he would refer the House to the Act of Parliament against pirates, which, while it provided that if they resisted they were to be killed, also provided that if they made no resistance they should be taken and brought to trial. What should be said then of this case, where men were suspected to be pirates yet offered no resistance, while themselves, their wives, and children were destroyed? In addition to this we entered into a treaty on the 27th of May 1847 with the Sultan of Borneo, which authorised us to enter the Bornean seas with a view to the suppression of piracy, and to seize all vessels engaged in that illegal act; but it was stipulated that all persons offending should be reserved for the judgment of the proper authorities. Those unfortunate persons had never been reserved for such judgment; and he contended, therefore, that both the Act of Parliament and the treaty had been broken. In addition to this, the Admiralty order to Sir Francis Collier was to the effect that he should rather endeavour to check piracy by encouraging a good understanding, and by the observance of treaties, than by engaging in hostile expeditions. In none of these cases was there the least compliance with the Act of Parliament, the treaty, or the orders of the Admiralty. [The hon. Member proceeded to read extracts from public and private correspondence.] The first letter referred to was one from Sir Thomas Cochrane, then commander-in-chief in the China Seas, in which the admiral informed Sir James Brooke that much more was to be done for the repression of piratical habits amongst the tribes of the Bornean coast by the spread of commerce and Christianity, than by operations of a coercive nature. Another letter from Sir Thomas Cochrane, dated March 5, gave directions that if a vessel was suspected to be a pirate it was to be detained, not blown out of the water. Not a single authority in support of the proceedings which had been adopted, from either the Admiralty or the commander-in-chief, could be produced. Finding it impossible to obtain from either Her Majesty's Government or the East India Company any information, or one single iota of proof that the Sarebas and other tribes were in the habit of foraging for heads, as was asserted, he (Mr. Hume) had had recourse to the naval officers and others on the station at the time, in order to learn what conclusion they had arrived at regarding the character or conduct of these tribes. But he would first give the opinion of Sir James Brooke himself as to the Sarebas, in order to show that the men were utterly unfit and unqualified to contend with Europeans, and unacquainted with the use of guns or muskets. In 1845 Sir James Brooke wrote that—

> "The natives who are addicted to piracy and robbery are exceptions to the general rule; spear and sword comprise their only weapons; they have no mukets or fire-arms, and never use them; from their great dread of fire-arms, they can be kept in subjection by a very small body of men."

This was Sir James Brooke's own account of the men whom he afterwards designated and treated as pirates. He might also refer to the work of Mr. George Windsor Earle, published in 1833 or 1834, who declared that the Sarebas did not deserve the character given to them. As he (Mr.

Hume) understood that one of the officers of the East India Company's service had commanded on the coast of Borneo, he applied to that gentleman for information, and received from him the following reply:—

"Dec. 3, 1850.

"I have just received your note, and I am sorry that I am not in town to call upon Mr. Hume. When I first heard of Sir James Brooke's expedition I was led to suppose that the Dyaks in question were noted and desperate pirates; but I subsequently learnt that they were merely enemies of the Sarawak tribe, and had been so for many generations, in fact from time immemorial. During the sixteen months that I was stationed on the coast of Borneo, I never heard of or saw a pirate, which greatly disappointed me, as I was led to suppose that the coast abounded with them. From information that I received from one of the principal merchants of Singapore, I learnt that small coasting vessels under the English flag had been in the habit of trading to and from Bruni for the last twenty-five years, and that they had never been molested; so I have come to the conclusion that the enemies of the Sarawak tribe are not pirates or enemies of this great and happy land; and I cannot help telling you that from all I have heard I am thankful that the ship I commanded was not engaged in the late affair."

If an inquiry were instituted, whether by commission or otherwise, he (Mr. Hume) could bring forward officers who were acquainted with the facts to sustain his statements; and though he did not wish to aggravate the charges that were preferred against Sir James Brooke, he did desire to see the character of this country cleared, and the cause of humanity vindicated. He might remind the House that since he first brought this subject under their notice, the Government had repealed the Act of Parliament under which, within two years, no less than 128,000*l.* had been paid as head-money for the murder of persons whom he considered as innocent and unoffending men. He had letters from Captain Young and Captain Daniell, also of the Indian navy. The former officer said, under date of Bombay, January 17, 1851—

"You wish me to give an opinion on the affair with the Dyaks on the night of the 31st of July, 1849, apparently under the impression that I was present on that occasion. I had, however, returned to India some six months previously. I was on the coast of Borneo in command of the hon. Company's steam-frigate *Auckland* from March to December, 1848, and during that time I once visited Sarawak. I do not feel myself justified in giving an opinion on the affair in question, being doubtful how far that would be consistent with my duty as a Government servant. I am, however, perfectly willing, if called on officially, to give any information in my power."

Mr. Hume

Captain Daniell, writing from Plymouth, December 9, 1850, said—

"I beg to acknowledge the receipt of your letter of the 6th instant; and in reply I have the pleasure to acquaint you that I was in command of the hon. Company's steam-frigate *Semiramis*, stationed on the coast of Borneo, from March, 1849, to May, 1850, during which time I never fell in with a pirate. As regards Sir James Brooke's expedition against the Dyaks in question, I beg to state that I never heard of their having molested an English or foreign vessel."

Yet, though such testimony was borne in their favour, death and murder had been dealt out against those unoffending people. He (Mr. Hume) had also a letter from an officer on board a steam frigate in the following terms:—

"October 28, 1850.

"I opine that no person has any business to voluntarily enter a witness-box, unless he has some positive evidence to give on the occasion in question. Now, the question is, what have I to say regarding the massacre of Malay pirates (so called) in 1842? Simply that I was stationed at Labuan for the protection of the island from—— to —— in the ——; that I made three subsequent trips, and remained a few days each time; and that I paid a flying visit to Sarawak in the same vessel. In all these trips I never fell in with any pirates, nor did anything I heard there lead me to infer that the Malays in that neighbourhood were given to piracy, in the sense generally taken of that term by Englishmen. What I inferred was, that the different tribes were given to war upon each other, as their more civilised brethren in other parts of the world are. No person that had seen their prahus could have any great dread of them as sea pirates; indeed, so little are they dreaded, that vessels so small as forty-five tons, with crews of eight or ten men, and they Malays, with a single European to navigate, run constantly between Singapore and Borneo Proper, without any dread of them. Being obliged to leave Labuan from ill health, and no other opportunity offering at the time, I went to Singapore from that place in a schooner of forty-five tons, with a crew of four Malays, one maalam or navigator, and an Indian Lascar or tindal, accompanied by Lieutenant Rideout, of the 21st Madras Native Infantry, and our servants, our only arms a double-barrelled fowling-piece, and that in its case in the hold. It is true this latter was in what is called the bad season, when their prahus do not venture out, but the trading vessels before alluded to run constantly throughout the year."

The Act of Parliament required, before a hostile shot could be legally fired by the commander of a vessel of war, the colours to be hoisted, and a blank gun to be fired; then only was the officer in command freed from a charge of murder, if death ensued from his proceedings. Was any precaution of this kind taken in the case of Sir James Brooke's engagements with these unfortunate natives? No; but death and destruction were immediately dealt upon them. He had in his possession a letter written by the Hon. Captain Hastings, to whom he had addressed some inquiries, dated February 14, 1851, in which that gallant officer said—

"I have the honour to acknowledge the receipt of your letter of the 13th instant, transmitting the enclosed letter for my perusal, and acquainting me that it is your intention to bring before the House of Commons the conduct of Sir James Brooke on the 31st of July, 1849; and, as my conduct has been reflected upon in several public letters and documents, you trust that I will not object to state the circumstances that induced me to refuse compliance with Sir James Brooke's request on the occasion referred to in the enclosed. In reply I have the honour to state, that the reasons which induced me to refuse compliance on the occasion in question having been brought at the time under the notice of my superiors, and by them approved of, I am precluded from offering you any statement of the matter."

Captain Hastings was called upon to assist Sir James Brooke; he refused to do so; and the reasons he assigned for that refusal were considered sufficient. If, then, the refusal of assistance by Captain Hastings was approved by his superiors, why did they also approve the conduct of Captain Farquhar in rendering aid to Sir James Brookes? He (Mr. Hume) would now read to the House a communication he had received from a gentleman who had been for twenty-eight years a resident at Singapore, and who knew that he was anxious to get information on this subject. His correspondent said—

"Having read your suggestions from the *Daily News* of 22nd March respecting Borneo, and the supposed piratical expedition of July, 1849, under the command of Captain Farquhar, I have been induced to offer the following remarks on the Malays from Pontiana to Maludu Bay:—I lived in Singapore seven years, and at Labuan two and a half years. I was the first adventurer to that island after it was taken possession of by the British Government; and I worked the coal mine under contract for the Admiralty from April 1847, to July 1849, when the Eastern Archipelago Company took possession of said mine. During the first fifteen months of that period I was the only inhabitant except the Malays on the island, with not even the corporal's guard to protect me. While working the coal mine, I often had occasion to leave my wife and children at Victoria Bay, about ten miles distant, for fourteen and twenty days together, when my presence was required at the mine, and on one occasion sixty days, showing that, if at that early period the Malays had wished to commit any acts of dishonesty, they could have done so with impunity on my stores during my absence from home; yet we never experienced other than the greatest respect from the Malays. I have no hesitation in saying, I would as soon venture on a trading voyage on the coast of Borneo as that of England, or any other coast. While speaking of Malays, I must not omit to mention the case of a young man named Burns, who left Labuan in a native prahu to visit the Bintoolan river in search of antimony ore, with none but Malays accompanying him. He stayed there some three or four months, and was supplied with every necessary by the Malays. The Bintoolan river is about half way from Sarawak to Labuan. When, however, Governor Brooke was informed of Mr. Burns being at the Bintoolan river, he despatched the hon. company's steamer *Phlegethon* to fetch him away and land him at Labuan, which was done. Mr. Burns lived there with me, and spoke in the highest terms of the Malays during his stay among them at the Bintoolan river. There can be only one opinion about the late massacre of the Malays formed by anybody acquainted with Sir James Brooke or Sarawak—that it was to murder them into subjection to the Sarawak Government. That Sir James Brooke is very much opposed to any European adventurers being on the coast of Borneo, has been shown in the case of Burns and others. Neither are Europeans allowed to visit or reside at Sarawak. This expedition was long talked of at Labuan; but I never heard it said to be undertaken on account of piracies; the alleged reason being that some Malays had made an attack on Sarawak and taken some heads, which is a common mode of warfare among the Malays. I never heard it was for acts of piracy, neither that any parties had suffered as such; neither do I, or any other parties having a practical knowledge of the proceedings, believe one iota of it."

That letter he received from Mr. William Henry Miles. He would also beg the attention of the House to the following passage from a document signed in 1851 by fifty-three merchants of Singapore:—

"We beg to testify our cordial approval of your valuable and persevering exertions as a member of the Imperial Legislature, to call the attention of Parliament, and of the British public, to the measures which have been pursued against the communities of the Sarebas and Sakarran Dyaks; inhabiting territories on the coast of Borneo adjacent to Sarawak, and to discriminate between the usages and situation of these tribes and the piracies of the formidable marauders of the Archipelago, who have so long been known under the names of Illanuns or Lanuns, Sooloos, and Balaninis. It is a fact perfectly notorious in this settlement, that until within these few years the alleged piracies of the Dyaks had never been heard of, and that the first circumstance which in any particular manner drew public attention in the Straits to the existence of the Sarebas and Sakarrans as hordes of pirates, was the invasion of their countries by Captain the Hon. Henry Keppel, in Her Majesty's ship *Dido*—a measure which was at the time commented on by many here as unjustifiable. There is not one among us who ever heard the captain of a merchant vessel, or the nacoda of a trading prahu, mention their having seen a Dyak pirate; and the circumstance of either the one or the other of them having fallen in with or been attacked by prahus which were propelled by paddles, and had neither masts nor sails, would have been a novelty which could not have failed to attract attention, to say nothing of the want of fire-arms; and you will observe that, according to the deposition (printed in the Parliamentary papers regarding Borneo piracy) of Siap, a Sadong Malay, a prisoner taken from the Sarebas on the 31st of July, 1849, 'there were not more than four small brass guns' in the whole fleet, although it could not have numbered less than 3,000 or 3,500 men; while it is a notorious fact that the same number of guns often forms the armament of a single Malay Bugis, or other trading prahu of the Archipelago. It is, of course, morally impossible for us to aver that the Sarebas and Sakarran Dyaks never have committed what we understand to be piracy; but the current testimony of every account which we are aware of being before the public regarding the Dyak races must be wholly rejected if every case of an attack by the Sarebas and Sakarrans against a neighbouring territory, whether inhabited by Malays or Dyaks, is to be considered an act of piracy. Such, however, appears to have been the principle acted on in regard to them from first to last, as the history of every invasion, and every attack of which they have been the object, will abundantly prove. It appears to us that the most that can be said for those who advocate their slaughter as pirates is, that the actual character of these tribes is matter of doubt. In the face of the tremendous carnage of the 31st of July, we will not here undertake to say that they were not pirates; but we confidently affirm our opinion that the evidence of their being pirates is the very opposite of being satisfactory. We conclude these observations with the expression of an earnest hope that Parliament will see fit to accede to your motion for inquiry, without which there can be no issue of this question satisfactory to the public mind."

He should be surprised if there was any opposition to his proposal for an inquiry, because he found that Sir James Brooke himself said, in a letter he had addressed to the noble Lord the Secretary of State for Foreign Affairs, that he had no objection to inquiry. He thought it was only just to Sir James Brooke, as well as for the satisfaction of the public, that that gentleman's character should, if possible, be vindicated; but could the stain which now attached to it be wiped away without inquiry? Sir James Brooke was the first person who had denounced the Dyaks as pirates; but it appeared, from the class of boats used by the Dyaks, that it was impossible they could be pirates. He (Mr. Hume) would ask the House if he had not made out a strong case for inquiry? He might be told, however, that Sir James Brooke had obtained the certificate of the Recorder of Sincapore, Sir Christopher Rawlinson. Now, although he (Mr. Hume) entertained high respect for judicial officers, and though Sir Christopher Rawlinson had undoubtedly the power, upon being satisfied on the subject, to give such a certificate, he (Mr. Hume) did not understand why that circumstance should prevent inquiry. He (Mr. Hume) had an opinion of two law officers, that the proceedings of the Recorder, Sir Christopher Rawlinson, were incorrect. Sir Christopher Rawlinson, at Malacca, upon the depositions of certain witnesses taken before him, although not a man of the two thousand persons who were the subject of the certificate was examined, gave a certificate that the number of persons killed by the armed force on the 31st July was 500, and that the number not taken or killed was 2,140. What was the nature of the evidence adduced before him? A Commission was appointed, the members of which, the Rev. C. Macdougal and Arthur Cruickshank, were named by Sir James Brooke. The person the most implicated in the transaction, Sir James Brooke himself, made an affidavit at variance with all his previous proceedings. There had been an address sent to Sir James Brooke from some place in Borneo; but upon inquiry it turned out that out of twenty-seven houses only thirteen signed, and fourteen refused to sign, so that it was not signed by almost all, as had been represented; and the community being so divided, that address might be considered as nothing. Another address to Sir James Brooke from Batavia had now been published; but, coming in at the last hour, it had the appearance of being prepared for the occasion. In his answer to this address, Sir James Brooke observed, that there was no question of the existence of piracy, or the necessity for its suppression. No doubt of that, the Dutch and the Spanish had been employed praiseworthily in attacking and destroying the real pirates, the Illanuns and Sooloos. But did Sir James Brooke ever attack the real pirates? No; he attacked none but the poor Dyaks. He (Mr. Hume) had been invited to appear at Sarawak. What business had he at Sarawak? If he was to go, he should expect he would not say what. But now, the Government having adopted the proceeding, it was a question how far they were implicated; and inquiry was demanded on their account as well as for the character of Sir James Brooke and of the country itself. It would be remembered that he (Mr. Hume) asked the noble Lord the Foreign Secretary whether Sir James Brooke continued to be our Commissioner and Consul General to the Sultan and independent chiefs of Borneo; and the answer was in the affirmative. He then asked the hon. Under Secretary for the Colonies whether Sir James Brooke still held the appointment of Governor of Labuan; and again the answer was in the affirmative. He then asked the noble Lord the Foreign Secretary whether Sarawak had ever been acknowledged as an independent State by our Government, and inquired respecting some proceedings on the part of the United States, and a recognition of Sir James Brooke as the independent sovereign of Sarawak; and the answer of the noble Lord the Foreign Secretary was, that the Government had received information that a treaty of commerce between the United States and Sarawak had been proposed, but was not yet concluded; that Sarawak was not considered by Her Majesty's Government as British territory; that he (Viscount Palmerston) could not precisely state to what the relations between Sir James Brooke and the Sultan of Borneo might lead, but that, as far as Great Britain was concerned, the British Government held no sovereignty over Sarawak. Now, he (Mr. Hume) contended that it was illegal for a British subject to exercise authority under such circumstances. It would be in the recollection of the House that the New Zealand Company obtained land in that island from the natives without the assent of the Crown. Subsequenly their right to do so was disputed; and in May, 1841, Dr. Lushington gave the following opinion:—

> "I am of opinion that the grants obtained by the New Zealand Association are not valid without the consent of the Crown. I do not think that the right to this territory is at present vested in the Crown; but I am of opinion that the Crown might oust the association, for I think it competent to the Crown to prevent such settlements being made by British subjects, even though they are made in a country not under the sovereignty of the Crown. I fully adopt the broad principle that colonies cannot be founded without the consent of the Crown."

It would appear, therefore, that Sir James Brooke could not be Rajah of Sarawak without the sanction of the British Government, and yet that such sanction had not been given to him. The fact also that the murder of these 2,000 men had cost us 27,000*l.* was another reason why there should be an inquiry whether Sir James Brooke was justified in the course which he had adopted. The present question was a matter of vast importance, and a commission of inquiry should also be sent out. He had to lament on the present occasion the absence of the late right hon. Baronet the Member for Tamworth, because he had in his possession a letter from that right hon. Gentleman, in which, after reading an account of these transactions in the papers, he expressed his opinion that an inquiry ought to take place. It was dated Nov. 28, 1849:—

> "Whitehall, Nov. 28, 1849.
>
> "Sir—I thank you for the communication with which you have favoured me. I trust that Her Majesty's Government will feel it to be their imperative duty to make an immediate and complete inquiry into those circumstances which have induced you to address yourself to the First Lord of the Treasury. I read with great pain the account of the transactions to which you refer, but shall suspend a final judgment upon the proceedings adopted by Sir James Brooke against some of the Dyaks in Borneo, until fuller explanations with regard to them be given.—I am, &c.
>
> (Signed) "ROBERT PEEL.
>
> "Henry Wise, Esq., 34, Cornhill."

He (Mr. Hume) now asked for those explanations which the late Sir Robert Peel said, on the spur of the moment, ought to be given; and from expressions which had afterwards fallen from that right hon. Gentleman, he (Mr. Hume) was satisfied that if he were present amongst them that night, he would support an inquiry into these transactions. A commission was sent abroad last year to inquire respecting the signature of certain documents by a captain in Her Majesty's service; that was done without hesitation, and he considered that was a precedent for his Motion. It might have been wiser on his part, perhaps, simply to move for inquiry, but he had felt that he ought to indicate the points of inquiry; and he now asked the House to have these statements tested. Nothing less than full inquiry would satisfy the public; it was due to the honour and character of the country—due to the Government—due to Sir James Brooke, whose character, with such charges lying against him, would be blasted unless there was an inquiry. It would be to him (Mr. Hume) a great satisfaction if it should turn out that he had taken too strong a view—an erroneous view of the case. With regard to blame to be attached to the Government for not instituting an inquiry sooner, he would say that he believed they had not been aware of many of the facts he had stated. Let the whole matter now be probed to the bottom. He appealed to the noble Lord at the head of the Government to let a Commission be sent out to the spot, there to take evidence. Let the country be freed from the stigma which rested upon it, and such a transaction (if his view of it was right) prevented from ever again taking place. If Sir James Brooke was right, let his character be freed from stigma.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint Her Royal Commission to inquire into the proceedings of Sir James Brooke on the North Western Coast of Borneo, since his appointment as Her Majesty's 'Commissioner and Consul General to the Sultan and Independent Chiefs of Borneo;' and, especially, into the attack made by Her Majesty's and the Honourable East India Company's Naval Forces, under his advice and direction, on certain wild tribes of that island, called the Sakarran and Sarebas Dyaks, on the night of the 31st July, 1849; and further, that Her Majesty will graciously command, that the opinion of Her Majesty's Judges be taken and laid by Her Majesty's Ministers before this House, touching the legality or otherwise of the holding by Sir James Brooke, at one and the same time, of the following apparently incompatible offices, viz., of Sovereign Ruler of Sarawak, he being a British subject; of Her Majesty's Commissioner and Consul General to the Sultan and Independent Chiefs of Borneo, he, Sir James Brooke, residing at Sarawak, where there is no Independent Chief; and also of the appointment of Governor of the British Settlement of Labuan, distant 300 miles from Sarawak, at which British Settlement Sir James Brooke has not been actually present more than a few months during the last three years."

Mr. URQUHART seconded the Motion.

Mr. HEADLAM said, that he was present last year when the hon. Member for Montrose brought before the House a proposition similar to that which he submitted to it on the present occasion. He had not at that time any particular interest in the subject, nor had he then the honour of a personal acquaintance with Sir James Brooke; he had not then any more accurate acquaintance with the question than was possessed by other Members of the House, and indeed by all persons who took an interest in what concerned the interest and welfare of the country, and the character of its public servants. He listened to the debate upon that occasion with the view of forming his opinion upon the charges made against Sir James Brooke; and having heard the discussion, the conclusion to which he arrived was, that the case had broken down—that the charges had not been established, or that the character of Sir James Brooke came out clear from the ordeal to which it had been subjected. In that feeling he was satisfied the body of the House sympathised, and for himself he knew not that he had ever given a vote with more complete and decided conviction, than when he voted in the majority of 169, by which that Motion was rejected. The hon. Member now complains that, upon that occasion, matters of a private nature, which had little to do with the subject really under discussion, were introduced into the debate by those who spoke in defence of Sir James Brooke. Undoubtedly it was so. He was not now going to say one word of these matters, because he thought that the character and conduct of Sir James Brooke might be left without fear to the public documents before the House; but at the same time he must tell the hon. Member for Montrose, that when he made something in the nature of a direct charge of murder against a man like Sir James Brooke, he must not be surprised if the friends of that gentleman were not satisfied with simply proving that the charge was false and untenable, but went on to show that the sources from which the calumnies emanated were foul and impoisoned. He (Mr. Headlam) was a lawyer, and lawyers had a maxim, that a man ought not to be tried twice for the same offence. That doctrine he believed to be formed on true justice, wise policy, and experience. It was wise and just, because it rendered it necessary for those who made a charge to complete their case at the time they brought it forward, and prevented them going on attempting to eke it out by subsequent matter. But, though generally wise and true, he would not carry the doctrine to any extreme or absurd length. If any great public object was to be attained by this second trial—if the hon. Member for Montrose had now brought before the House any important evidence which was not before it on the former discussion; any new matter that might be likely to influence the opinion of the Government, and induce the House to reverse its former decision, then possibly he might have been justified in dragging Sir James Brooke again before the House and country. But after listening to the speech of the hon. Gentleman, he appealed to the House whether it was not the fact, that no material facts had been adduced in corroboration of what had been before the House on the previous occasion—whereas, on the contrary, all the new public documents which had been laid before the House, so far from establishing any case against Sir James Brooke, greatly strengthened the evidence in his favour. Every new paper, fact, and deposition, tended to make it clear that the verdict given by the House on the former occasion was a right and true one, and showed that they ought to reject the proposition now made by even a larger majority than upon the former occasion. It was necessary to be accurate in their conception of what was the nature of the charges brought forward. The Motion made by the hon. Gentleman was a long one, and it had been varied very materially since it was first laid before the House. The House was now called on first to ask Her Majesty to appoint a Royal Commission to inquire into the proceedings of Sir James Brooke generally; secondly, they were called on to ask specially for an inquiry into the events which occurred on the night of the 29th of July, 1849. After those two subjects of inquiry, which in themselves necessarily, from what had taken place, involved severe charges against Sir James Brooke, it would be found that in a subsequent part of the Motion it was proposed to ask Her Majesty to obtain the opinion of the Judges upon what was really a question of State policy; namely, whether the same individual should be Governor of Labuan or independent Rajah of Sarawak. Whatever might be the opinion of Members upon this last question, they could not vote for the Motion, which mixed up two things so completely incompatible. In England it was not usual to combine a question of policy with an indictment for murder. He did not think there was anything improper in Sir James Brooke holding the various offices which he possessed. His influence in Sarawak suggested good reason why he should be appointed Governor of Labuan. But even supposing that doubt might exist on the subject, it was quite absurd to refer such a question to the Judges of the land; it was out of their sphere to give an opinion on any such point; and even if the Judges constituted the right tribunal for adjudicating on that matter, still they could not enter into it on the present occasion, when an opinion upon a question of State policy might be construed into a verdict upon a charge of murder. Leaving then that portion of the Motion, let the House turn to what was seriously the charge against Sir James Brooke. After listening to the speech of the hon. Member for Montrose, the case which was made seemed to be this—he alleged that the tribes of Sarebas and Sakarran were not pirates, but harmless, unoffending native tribes, or at any rate innocuous from their want of arms and other causes against European forces. It was alleged that all they had done was to carry on intertribal wars with one another, but that there was nothing like general and open piracy. There was a second charge, that, assuming acts had been done by the natives which were of an equivocal description, still the particular attack of July, 1849, was not justified by any act of piracy at the time when they were attacked by Sir James Brooke, and that, even if so, that attack was marked by an unjustifiable degree of cruelty. These were the charges; and it now remained to consider what was the evidence on the subject. In addition to the various papers which had been laid before the House since the last debate on the subject, there had been a most remarkable document presented to them that very morning. He alluded to the book containing the proceedings of the Duch Government with respect to piracy in the Eastern Archipelago; and though he had not been able to go very minutely through this paper, yet he had satisfied himself that it materially bore out the mass of other evidence which had been produced. The hon. Member for Montrose read an extract from it containing a description of these pirates, which appeared drawn in tolerably strong colours; but the hon. Gentleman stopped at the most important passage, which gives an accurate description of these pirates. It will be found at page 62 of the paper before the House, and is in these words:—

> "Islets rendered almost inapproachable by the hidden rocks with which they are surrounded, serve as places of retreat to the pirates. From the midst of these rocks they dart unexpectedly with their prahus, full of men, not only on the ships of the natives of the country, but even upon those of Europeans, availing themselves of calm contrary winds, or the insufficiency of the crews, in order to satiate their audacious rapacity. Should they fear being able to sell for money the crew they have made prisoners, or of being overtaken in their flight, they then massacre without pity every soul they have taken, even the women and children. It is not unfrequent to see them exercise the same cruelty upon a crew which have valiantly defended themselves against their attacks."

The hon. Member for Montrose interrupts me to say, that they are not the tribes in question—let us see the evidence on this subject. The hon. Member told us, and told us truly, that Borneo is a large place. One would scarcely, therefore, have expected that in this volume reference would have been made to these two particular rivers mentioned in the Motion before the House. Although these papers were written long before the transactions now in question took place, curiously enough they identify with the utmost precision the rivers Sarebas and Sakarran, as the abode of piracy. At page 107 will be found the following passage :—

> "The schooner *Haai*, stationed at Sarebas, succeeded in inflicting severe loss upon a flotilla of thirty Dyak prahus which had dared to lay in wait for her. In the same manner the coasts of Penteanah were disturbed by Dyak pirates. At Mampawa they came to blows with them. Sheriff Mohamet, the commandant of the district, having learned that nine of their prahus were at the mouth of that river, each manned by from thirty to forty bandits, resolved to attack them with only three prahus. They fought so closely, that scarcely any other weapon than the klewang (sabre) was used. The commandant had thirty-seven men killed; the loss of the enemy amounted to eighty. It appeared that these Dyaks came from Sakarran, a locality situated in the interior of the country to the north of Sarebas, which is only accessible to the small light vessels of the Dyaks, of slender form, and of which all the parts are united with canes. In their voyage they burn and massacre along the shores all that is within their reach. As trophies, they carry off the skulls of the victims of their ferocity. They have no firearms, but generally use the klewang, and javelins or spears of wood hardened by fire."

[Mr. COBDEN: Hear, hear!] The hon. Member cheered the statement that they had no firearms. On the occasion, however, when Sir James Brooke attacked them, they had four brass guns, and all the prahus were armed with musketry. The hon. Member for Montrose had asked triumphantly, "Who ever heard of Dyak pirates?" After this description of them, it would be very difficult to deny either the existence of Dyak pirates, or that this came from that very river the Sarebas or Sakarran. To come back to the question of the mode in which these tribes were armed, and the degree of their power. It appears, from Captain Keppell's despatch in 1844, when these same pirates were attacked, that "no less than 56 guns were taken, as well as vast quantities of ammunition, not less than a ton and a half of gunpowder." How, then, is this consistent with the allegation that the Dyak pirates had no firearms? The fact was, that the Dyaks did not act by themselves; they were accompanied and supported by Malays who were in all respects completely equipped with firearms. Moreover, on some occasions, the whole fleet of Malays and Dyaks was set in motion by some Arab Sheriff. The whole subject was fully explained by Sir James Brooke in his Memorandum on Piracy, written before these events took place. In one passage he states that—

> "The pirates on the coast of Borneo may be classed into those who make long voyages in large heavy-armed prahus, such as the Illanuns, Balanigui, &c., and the lighter Dyak fleets, which make short but destructive excursions in swift prahus, and seek to surprise rather than openly to attack their prey; a third, and probably the worst class, are usually half-bred Arab sheriffs, who, possessing themselves of the territory of some Malay State, form a nucleus for piracy—a rendezvous and market for all the roving fleets; and although occasionally sending out their own followers, they more frequently seek profit by making advances in food, arms, and gunpowder, to all who will agree at an exorbitant rate to repay them in slaves."

They would thus see that the Dyaks of the Sarebas and Sakarran were complete pirates, and that though by themselves they might not be completely armed, yet, when in co-operation with the Malays, under their Arab Sheriffs, they were fully equipped. With respect to the course to be adopted with the view of suppressing these pirates, it is very curious that in the paper before the House, containing the proceedings of the Dutch Government, there is a document most strangely bearing out the views of Sir James Brooke. It was written in 1830, and is a translation from a report written in the Malay tongue. The writer, after stating various facts concerning piracy, states the result of his experience to be, that the pirates should be attacked upon precisely such an occasion and in such a manner as was practised by Sir James Brooke; the passage will be found at page 86 of the paper before the House. It appears that without any combination between the Dutch Government, or the Malay writer and Sir J. Brooke, they both arrived at the same conclusion as to the proper mode of dealing with these pirates. In another part of the same document it is stated—

> "The pirates only set out during the east monsoon. In the month of March, as soon as the east monsoon begins to be felt, and the sea is calm, the pirates quit their retreats, and betake themselves to places where they hope to meet with some merchant vessel. So soon as a vessel is in sight they start in pursuit, surround them with their small craft, and board. If the merchantman contrives to escape the pirate, he can continue his route without fear; in the contrary case the vessel is delivered up to pillage, and the crew are either murdered or made prisoners. Such is the conduct of the pirates during the whole of the east monsoon.

Some hon. Gentlemen thought it strange that all vessels sailing near Borneo had not been attacked; but what he had just cited accounted for it? The fact was, that the piracies were only carried on during a portion of the year, so that vessels might even escape at particular seasons. In the year 1824 a treaty was entered into with the Netherlands for the express purpose of suppressing the Bornean pirates. At a later period Sir James Brooke was instructed by the Foreign Office to use his power and influence for the same purpose. Complaints were made by the mercantile community of this country; and, after all this, Sir J. Brooke, for having adopted the best mode of suppressing piracy, was stigmatised in that House as a murderer. The difficulty of establishing the case of Sir J. Brooke, really consisted in the magnitude and number of the proofs. Only those who had gone through the papers knew how complete it was; but if he were to read to the House the evidence bearing on Sarebas at one time, and on other places at others, each would seem but a small matter by itself. On the other hand, were he to read general evidence of the nature and extent of piracy, men might say that he did not bring the case home to the particular locality. He would now refer to a letter received by Sir J. Brooke from a person who was a perfect stranger to him —Mr. Nugent Nixon, chief officer of the coast-guard station. This gentleman said—

> "Pardon me for addressing you, though a perfect stranger, on the subject of the charges brought against you by Messrs. Hume, Cobden, and others of that clique. As an officer of the Indian Navy, serving in the Honourable Company's steamer-of-war *Ariadne*, I had ample opportunities of experiencing the aggressive character of the Malay pirates who infest the coasts of Borneo, while cutting wood, for fuel, at Abbie, Amboong, and other places on our voyage to join the expedition in China. At Amboong I had, personally, a very narrow escape of my life, from an unexpected attack of these savages, after great professions on their part, of friendship, and offers of assistance in procuring the necessaries we required. At another place, to the northward, we only prevented the attack of three proas, filled with men, by taking the precaution of firing two 24-pounder shots across the bows of the foremost vessel when within an easy range, which of course sent them to the right about. The narrow limits of a letter prevent me from giving a detailed account of our adventures with the Malays on the coast of Borneo; but as Mr. Cobden, referring to your affair with the Sakarran and Sarebas pirates, although apparently admitting the fact of their piracy, seems to think it hardly worthy of consideration, as not committed on British vessels. I think ours, as an instance of a vessel of war being attacked by these daring marauders, sufficiently a case in point to convince Mr. Cobden, or the most sceptical of your detractors, of their delinquency. If you think that my examination before the Committee of the House of Commons would be likely to aid you in any degree, I shall be most happy to assist you by any means in my power."

He wished to call the attention of the House to what occurred in 1844 and 1845, when also operations had been found necessary against these very pirates. He apologised to the House for the length of time that the case must take, but when charges of this kind were made against a gentleman who was struggling against difficulties in a foreign country, it was their duty thoroughly to investigate the whole case. In 1844 and 1845 an attack similar to that made by Sir J. Brooke was made by Captain Keppell. Captain Keppell, who was not in any way connected with Sir James Brooke, appeared to have been on the coast of Borneo in 1843; and, writing in 1844, stated that he had received the thanks of the Commander-in-Chief on the station for his services against the pirates. He said—

> "I believe you are aware that last year I was recalled to China, before I had time to complete the arrangements I had made for putting down the different hordes of pirates that have so long infested this coast, to the great detriment of trade, and who are daily committing horrors disgraceful to humanity. I was then obliged to rest satisfied with the promise of some chiefs to abstain in future from piracy, while I made an example of the piratical tribe of Sarebas. On my arrival at Sarawak, I received information of numerous acts of piracy recently committed by two chiefs (Sheriff Satube and Mulak), both of whom have long been notorious for having carried on an organised system of piracy. I moreover learned that these chiefs had taken up and strongly fortified a position, in which they were prepared and determined to resist any European force that should endeavour to control their actions, and that from this position they had for the last three months incessantly harassed the entire coast. From the Rajah Muda Hassim I received a letter, a copy of which I have the honour to enclose; and taking into consideration the handsome manner my efforts to suppress piracy on this coast last year were acknowledged and appreciated by the Honourable Company's Resident Councillor at Singapore, and having also received the approbation of my Commander-in-Chief, as well as of the Lords of the Admiralty, I did not hesitate to at once carry out my former arrangements, which were rendered comparatively easy by the assistance of the steamer."

Captain Keppell then gives a description of the different engagements that took place, and having done so he proceeds to say—

> "Having punished the two principals, I next prepared to attack the Sakarran Dyaks, the most determined pirates and the most cruel savages in Borneo. They partially man and supply the war boats, which the Malays complete, furnishing the firearms and ammunition. They are said to muster about 10,000 warriors, and can put to sea with upwards of 100 prahus, carrying from 60 to 100 men each.

There afterwards occurred these words:—

"I anticipate that great good must follow the last blow given to the only remaining pirates of any note on this north-west coast of Borneo. There is a depôt now established for British goods at Sarawak; and during the three weeks that we had stopped the Sakarran pirates, the trade with the adjacent rivers increased considerably. No less than eight boats were prevented from crossing over to trade to Singapore this year, from the Sarawak River alone; and I may venture to express my conviction that the interests of British commerce will be materially advanced by a firm pursuance of measures for the correction of the piratical communities, not only on the coast of Borneo, but throughout the Archipelago.

Now, it might be thought that the continuance of such measures was not a thing that could be expected from this country; but it should be observed that all that either Captain Keppell or Sir James Brooke thought to be requisite was that after the examples which had been made, there should be some slight supervision exercised to prevent the growth again of these piratical communities; and both seemed to entertain the opinion that only a very small force would be required for that purpose, and that after a certain number of years the habits of the people would become peaceable. That course so suggested had not been followed; the result was that in a few years the people forgot the lesson they had received, resumed their old habits, resorted to their former practices, and it became necessary in 1849 to make another example similar to that of 1844. A letter from Pangeran Muda Hassim to Captain Keppell may here be mentioned as giving an account of the state of piracy at that time; it contained these words:—

"We beg to let our friend Captain Keppell know, that the pirates of Sakarran, whom we mentioned last year, still continue their piracies by sea and land, and that many Malays under Sheriff Satube, who have been accustomed to send or to accompany the pirates, and to share in their spoil, have gone to the Sakarran River, with a resolve of defending themselves rather than accede to our wishes that they should abandon piracy."

The following was the deposition of Dowich Malay, relative to piracy on the coast of Borneo:—

"I am nakodah of a trading boat; I have been six times to Singapore for commercial purposes. I arrived here this morning from Oyak, situated about three days' sail from Sarawak—I left forty-five days since; my boat is 75 tons burthen, with a crew of thirty-four men and three guns. The coast of Borneo is infested with pirates, and has been so for years; I have been chased by pirates. The pirates consist principally of Lauddons and Dyaks. I have never been at Sakarran; I know there is such a place; a large number of Dyaks reside there; they are pirates, and commit ravages along the coast; I have often been told that Sheriff Satube and Sheriff Mulak live at Sakarran; they are the chiefs of that place; but whether they exercise any direct control over the piratical Dyaks, I am not prepared to say with certainty. The Dyaks of Sarebas are notorious pirates."

Such was the testimony of the natives; and he must say it was rather difficult to suppose that all these natives were involved in a conspiracy to misrepresent the facts of the case. He must now refer to a letter of Colonel Butterworth, Governor of Prince of Wales's Island, to the Secretary of the Government of India, which contains the following passage:—

"It will be observed that there was no lack of means or inclination to offer opposition; and when it is remembered that these are the most desperate set of pirates in the Malayan Archipelago, and were commanded by their chieftains at the very threshold of their homes, I feel assured that this expedition will be considered as no common undertaking."

Further on he said—

"In the absence of any evidence from Captain Keppell regarding the piratical propensities of the chieftains he attacked, Sheriff Satube and Sheriff Mulak, I deemed it advisable to take the depositions of the nakodahs of two vessels from Borneo, now lying in the Singapore roads. These are also appended, and will distinctly show that these chieftains are, and have long been, the main instigators, and not unfrequently the principal actors, in the piratical cruelties and robberies committed between these settlements and Borneo."

There was a passage afterwards which was important, because there were expressions in it which showed that Colonel Butterworth was not very friendly to Sir James Brooke personally, and which expressions were inconsistent with the supposition that the writer combined with Sir James Brooke to give a false complexion to the facts of the case. It was as follows:—

"If it be not proposed to uphold Mr. Brooke in his present position, I can hardly think it expedient to allow him and the undisciplined followers from his settlement to co-operate with us on such occasions as that under report. If, on the other hand, Mr. Brooke's settlement is to be considered under our protection or that of the British Government, I beg respectfully that I may have instructions to that effect, as I might be called upon to render that gentleman assistance against the neighbouring chiefs, who prior to the expedition meditated an attack upon him and the Rajah Pangeran Hassim, which led to their stockading themselves at Sarawak."

From this it appeared that Colonel Butterworth rather threw cold water on the junction of Sir James Brooke with the forces of Her Majesty, and was desirous that if any credit were to be gained, it should be gained independently of him. What he had already quoted amply proved the existence of piracy. The next question was in what manner this piracy ought to be suppressed; and upon this subject the first document to refer to was the memorandum of Sir James Brooke on the suppression of piracy, which appeared to him a most able State paper, and which was fully borne out by all the facts in the Report from the Netherlands, and by the evidence of the native witnesses. On this point, and the mode of suppressing piracy, he must confess he was a little surprised to hear the doctrine laid down by the hon. Member for Montrose. The hon. Member seemed to think that with respect to pirates, who went about the seas murdering men and women and destroying vessels, no step whatever should be taken except that of capturing them, and sending them home for trial under the 3rd and 4th of Victoria; and that even this attempt to capture them should not be made unless they were caught in the very fact of committing an act of piracy. Such was not his view of the manner in which piracy ought to be put down, nor was it his view that had ever been adopted by any nation in the world. It certainly was not in conformity with the spirit of the treaty between this country and the Netherlands. He had no hesitation in saying that Sir James Brooke, in his memorandum, had rightly laid down what ought to be the practice. In that document, written before these transactions took place, he had stated his views to the Government; and if those opinions were not correct, he ought not to have been allowed to proceed; but no disapprobation of his intended conduct had been expressed. It was clear to him that if such disapproval did exist, it should be stated as a guide to his future actions. In this memorandum Sir James said—

"I would especially urge that, to eradicate the evil, the pirate haunts must be burned and destroyed, and the communities dispersed, for merely to cruise against pirate prahus, and to forbear attacking them until we see them commit a piracy, is a hopeless and an endless task, harassing to our men, and can be attended with but very partial and occasional success; whereas, on the contrary principle, what pirate would venture to pursue his vocation if his house be endangered, if he be made to feel in his own person the very ills he inflicts upon others? A question may arise as to what constitutes piracy, and whether in our efforts to suppress it we may not be interfering with the rights of native States to war one upon another. On the first point, it appears clear to me that the plunder or seizure of a peaceful or lawful trader on the high seas constitutes an act of piracy, without any reference to the nation or colour of the injured party. On the second point, we can only concede the right of war to recognised States. Chiefs who have seized on territory and arrogate independence (making their independence a plea for piracy), can never be allowed the right of declaring war or entering on hostilities with their neighbours, for all native trade must in that case be at an end, as the piratical chiefs, no longer in dread of punishment from European Powers, would doubtless declare war against every unwarlike native State which they did not need as a market for the sale of their slaves and plunder. Practically acting, however, on the broad principle that the seizure of any lawful trader constitutes piracy, I consider no injustice would be done to the native States, and no interference occur with their acknowledged rights; for in practice it would be easy to discriminate a war between native nations, from the piracies of lawless hordes of men; and without some such general principle, no executive officer could act with the requisite decision and promptitude to ensure the eradication of this great evil. With a post such as is proposed to be established, our measures for the suppression of piracy (after the punishment of Sheriff Hausman and the Balanigui) would advance step by step as our knowledge increased, and with alternate conciliation and severity, as the case might require, by detaching the recognised governments from the practice, and gradually forming amongst the chief men a friendly and English party, opposed to piracy, we should, I doubt not, speedily obtain our principal object of clearing the seas of marauders, and ultimately correct the natural propensity of the natives for piracy. In order to extend our commerce in these seas generally, and more particularly on the north-west coast of Borneo, it is requisite, 1st. That piracy be suppressed; 2nd. That the native governments be settled so as to afford protection to the poorer and producing classes; and, 3rd. That our knowledge of the interior should be extended, and our intercourse with the various tribes more frequent."

He (Mr. Headlam) strongly recommended a perusal of the whole of this memorandum on the suppression of piracy to all Members of the House. How, then, stood the case before this attack in 1849? It was shown, that before this time, namely, in 1844, acts of piracy were frequent, and that an attack, sanctioned by authority, had been made for their suppression. As had been shown to the House, depositions in favour of the necessity of that attack, and of the success which attended it, were brought forward from a variety of quarters; the matter was thoroughly considered in this country, and the opinion of the public, and of the authorities, unquestionably expressed in favour of the measures that had been adopted. Immediately after this first attack on the pirates, they found Sir James Brooke expressing his opinion that, by the establishment of a slight system of supervision, piracy might be prevented from arising in future. Unfortunately, his opinion was not then acted upon, and, accordingly, piracy once more became frequent in those waters. In a letter, dated February 2, 1850, Sir James Brooke said—

> "The good effect of these attacks (alluding to the attacks of Captain Keppel) immediately became apparent, as they no longer ventured to take the sea in force, and the loss of life and injury to commerce on the coast was very greatly diminished. I made every exertion at that time to induce these communities to abandon their piratical habits. I frequently met their chiefs, promised them every protection, the free exercise of their own government and trade, and all the advantages which a peaceful people could desire. I dissuaded the sultan and rajahs of Brune from attempting to raise contributions from those rivers, which would have been done under the cloak of the English name; and I positively prohibited any retaliation on them by tribes who had long suffered from their piratical and indiscriminate system of murder and pillage. The good effects resulting from Captain Keppel's operations continued for two years; at the outset I was sanguine of permanent success. It became less so as time advanced, and in 1846 I was convinced that the former habits of this people were still too strong to be reclaimed by any peaceful means, or through the influence of the very few chiefs amongst them who sincerely supported my views. It became too evident that as the impression left on the minds of this people from the punishment inflicted by Captain Keppel wore off, they would resume their piratical pursuits; and I know from the well-affected amongst them, that an opinion was prevalent that the attack had been a casual one, and was not likely to be repeated. In 1846 their depredations at sea became more frequent, but not of a formidable character; and it was only after my departure for England in July, 1847, that the pirates once more threw off all restraint, put to sea in large fleets, devastated the coast, and incessantly harassed the trade, with great loss of life."

In consequence of this increase of depredations on the part of the Malays and Dyaks, Sir J. Brooke made a communication to the officer commanding on that station, and instructions were issued by Admiral Collier that the necessary proceedings should be taken for the suppression of the evil. He (Mr. Headlam) recollected that last year when this question was debated, and when every accusation that could be raked up against Sir J. Brooke had been brought before the House and had failed, that then it was said that an inquiry must take place, because these instructions could not be produced. They were now produced, however, and most distinctly instructed Captain Farquhar what he was to do, and yet hon. Members were not satisfied. [Here the hon. Gentleman read the instructions transmitted by Admiral Collier to Captain Farquhar to proceed to sea and to put himself in communication with Sir J. Brooke for the purpose of suppressing the pirates—a duty in the execution of which he had no doubt he would be successful.] There was not in the whole of these instructions one word that gave colour to the idea that Admiral Collier had an opinion contrary to that entertained by Sir J. Brooke, or that he disapproved of the proceedings taken by Captain Farquhar. Sir J. Brooke, then, being supported by orders of the Admiral at sea, and having a force assigned to him in compliance with his own recommendations, proceeded to suppress the acts of piracy committed in those seas in the manner he had already stated; and he would ask whether, under such circumstances, it was not his duty so to do? The next question which the House had to consider was, whether there had been any unnecessary severity used in this attack. The attack took place in the night, when about 150 prahus, filled with from 3,000 to 4,000 men, were on their way home to their river from a piratical expedition. The attack was made from different points, and, under the peculiar circumstances in which the forces were placed, there was no communication between them, nor any means by which at one point they could know what was going on at another; and this he thought ought to be a sufficient answer to those who made objections to the mode of attack. To him (Mr. Headlam) it did not appear very wonderful that out of three or four thousand pirates five hundred should have been killed. Such a slaughter was undoubtedly a subject of regret. He, for his part, regretted it most deeply. The practice of such a crime as piracy might not be a reason why we should despair of the future progress of the nation that practised it. We know that some of the noblest races in the world have, in their early history, been addicted to such crimes. If piracy, however, was a crime at which, when men plunged, they did, from the very nature of the case, run the hazard of their lives; upon the broadest and clearest grounds of true humanity it was necessary that such a practice should be stopped, not merely for the purpose of putting a stop to the immediate evils and sufferings that it occasioned, but, far more, because it prevented the seeds of civilisation taking root, and prevented the growth of trade and commerce among the nations of the earth. And here he would stop to say one word with reference to the statement that no European vessels were taken by these pirate Dyaks and Malays. The mode in which trade was carried on in these parts was, that the European vessels employed in it were sent to Singapore, which was a large mart for all the countries surrounding, and then from Singapore small hollow boats carried on the trade in the adjoining waters. It was on these small boats that the piracy was practised, and, so far as injury to trade was concerned, it was as fatal to attack them as it would be to attack the European vessels. In point of fact, European vessels also were so attacked, but their number in those seas was not great. He would read, as bearing on this point, the deposition of Orang Kaya, subsequently to the action:—

"Orang Kaya Sariel, of Mato, states, and solemnly declares, that about ten months ago, a large fleet of Malays and Dyaks entered the river; two of their boats came up to the boom placed across the stream below the houses, the remainder keeping out of sight. Finding they could not get over the boom, they returned and rejoined their comrades, part of whom then landed and advanced on the houses, those left in the boats ascending the river. A combined attack was made on the houses by the two parties, which was several times renewed, though the assailants were always beaten off by the superior fire of the Mato people. A small detached house was, however, at length taken, and the owners flying into the jungle, three of them were killed, and four others taken prisoners. The pirates then burned a large trading prahu just arrived from Singapore with piece goods, and several other boats, then re-embarked, and left the river. Sariel further states them to have been well armed with musketry, and that their numbers were so great he could not guess their amount. He recognised the Dyaks as from Sarebas, and several of the Malays he knew by sight. He further deposes that Mato has been many times attacked by the Sarebas Dyaks, and that they (the Mato men) had never attacked Sarebas. Sariel further deposes that he knows this to have been the same fleet attacked and destroyed by the Europeans on their way to their own river.

"This deposition taken before me this 30th day of March, 1850, at Sarawak, Borneo.

(Signed) "J. BROOKE,
(Witnessed by) "W. W. BRERETON."

From this document it appeared that this combined fleet of Malays and Dyaks had, in one instance, at least, destroyed a vessel carrying on this traffic in English goods from Singapore to Borneo. To return to the question whether any unnecessary cruelties had been exercised, either during the action or afterwards, he would read the following letter of Captain Farquharson:—

"I hereby declare that I was present at a consultation held on board Sir James Brooke's boat, in the Sarebas River, on the evening of the 1st of August, the day after the defeat of the piratical flotilla, to determine on our future operations; when it was proposed to Sir James to occupy a narrow neck of land between the rivers Remhes and Palo, in order to cut off the fugitives from the late flotilla, amounting, probably, to 3,000 men; by such occupation, and lining the banks with prahus, this would have been done almost to a man; but Sir James instantly rejected such a proposal, as occasioning an unnecessary effusion of blood, and in this I concurred with him; in preference it was therefore determined to move up and attack Paku, a town at which a portion of the piratical flotilla had been fitted out, and to thus withdraw the force from pursuing the fugitives. On this, as on every occasion, I heard Sir James Brooke advocate the cause of mercy, and frequently the native chiefs were assembled to impress upon them the necessity of restraining their followers; and I am bound to say that no unnecessary slaughter took place, nor did I hear of any cruelties being committed by the natives; whereas a different spirit might have been expected, and even pardoned, from the sufferings they had endured at the hands of the piratical tribes of Sarebas and Sakarran.

"Given under my hand in London, this 6th day of June, 1850.

"A. FARQUHAR, Captain, R. A."

Now he (Mr. Headlam) certainly felt strongly concerning this case. He did feel that an honourable and highminded gentleman had been subjected to most unjust imputations. It was no light matter for a public servant, struggling in a distant country, surrounded by the innumerable difficulties incident to his situation, to have all his actions misrepresented, to have foul and improper motives assigned for his conduct, and to have his character held up to opprobrium before that House and the country. He held in his hand a letter written by the Bishop of Calcutta, in consequence of a visit to Sarawak, which was full of sanguine anticipations with regard to the future. It was dated the 24th of January, 1851, and was addressed to the Honorary Secretary of the Borneo Church Mission:—

"To the Rev. C. D. BRERETON, Hon. Secretary to the Borneo Church Mission Society.

"*Semiramis* War Steamer, on way from Sarawak to Singapore, Jan. 24, 1851.

"My dear Friend—1. I have spent four days at Sarawak. I have consecrated the Church according to the request of the diocesan, the Lord Bishop of London. I have inspected the state of the infant mission, and conferred fully with the indefatigable and zealous chaplain and missionary, the Rev. P. Macdougall. I have conversed also with the gentry, and have read the several works published on the events which have occurred in the last few years.

"2. It is my full persuasion that there is no mission on the face of the earth to be compared with that of Borneo.

"3. It has been thrown open to Christian enterprise almost by miracle. One of the darkest recesses of heathen ignorance, cruelty, and desolation, where piracy, and murder, and conflagration, and head-hunting stalked abroad in open day, and the aborigines were in the sure way of being exterminated utterly, is now, so to speak, like the paradise of God. Deliverance has been proclaimed—security of person and property, equal rights, an enlightened and paternal distributive justice, the arts of life, an extending commerce—are already established at Sarawak, and spreading along the whole western coast of Borneo. The China sea is free from marauders, and all Europe and America may pursue their peaceful occupations from Singapore to Labuan, 700 miles.

"4. The Christian mission is begun to sanctify and crown all these secular blessings. Two things quite unexampled favour the design—1st, Englishmen have become first known to the oppressed Dyaks by a single English gentleman of benevolence, talent, and singular wisdom and tact for government, who has received as a token of gratitude from the native princes, a tract of land about 70 miles by 50, as his own territory. To the benefit of the inhabitants of it, this gentleman, who is now recognised as the Rajah of Sarawak, is devoting his time, his fortune, his zeal, his health, his body and soul. The noble Government of our honoured and beloved Queen Victoria at home, has come forward with her admirals, and brave captains, to assist in reducing the piracies which infested the coasts, to silence and tranquillity, by deeds of almost unexampled heroism. Sir James Brooke has been made Governor of Labuan. The last engagement with the pirates, about a year and a half since, when 120 war boats, with 2,000 banditti, were intercepted in the very act of plundering and setting fire to villages, seizing native vessels, and murdering their crews, has humbled and alarmed the whole tribe, and the chiefs are sending messengers to Sarawak, promising to turn themselves to honest occupations. In the meantime, the population of the town has increased in nine years from 1,500 to 12,000 souls, and, including the whole territory, to 30,000.

"5. The peace thus established, like that of the Roman empire at the incarnation of our Lord, prepares for the Gospel, renders the diffusion of it practicable, and calls imperatively on the Christian Church at home to seize with eagerness the occasion to which nothing parallel has perhaps ever occurred.

"6. The second peculiarly favourable circumstance is, that the millions of poor Dyaks have no religion of their own, scarcely a notion of a Deity, no Mahomedan obstinacy, no Hindoo castes, no priesthood, no written book, no Koran, no veds; and are led by a strong feeling of gratitude for a deliverance from a worse than Egyptian bondage, to place unbounded confidence in the truth and disinterestedness of the Rajah, and to solicit instruction in his religion, and to follow the habits of the 'white people.'

"7. In truth, when I stood on the hill on which the church is erected, and viewed the subjacent town, and watched on the river banks and beheld the mission house and school on the College Hill which crowned the opposite shore, I could not but break into thanksgiving to the God of all grace for his wonderful works.

"8. And during the solemn service of consecration I looked with amazement on the neat wooden edifice, with its early English arches, its nave 70 feet by 22, and 25 feet high, its side aisles, its handsome communion plate, placed on the holy table, and its Christian congregation, 43 (of whom 11 were Dyak and Chinese school children, seated in the aisle), and when I assisted in administering the blessed supper to 19 communicants, besides the clergy, my heart was almost too full to proceed.

"9. Will England then fail to support the work thus prosperously begun? Impossible! It is not in the manners of our Christian Britain to forget what she was herself 1,400 years ago, in as low a state of barbarism as the Dyaks, and infested with European pirates, as they with Asiatics. No; she is well aware that what the Gospel has done for England it can do for Borneo," &c., &c.

(Signed) "D. Calcutta."

He (Mr. Headlam) was desirous not to indulge in too sanguine expectations, and not to hold out either to himself or to the House hopes that might be delusive. True it was that good seed had been sown, and that, by the blessing of Providence, it might take root and flourish. It might be that the efforts of Sir J. Brooke in these distant countries would hereafter extend the limits of civilisation, open new worlds to our industry, and spread the knowledge of true religion through the earth. It might, on the other hand, happen that after a few short years, when the life of Sir J. Brooke had terminated, that then the light which had been kindled might die out, and the districts which had been reclaimed might relapse into their primitive state. The issue was hidden in the mysteries of the future, and it was not given either to the Government or to the House to exercise any very material influence or control over the result. One thing, however, was in their power—one thing they might this very evening effect, namely, they might render it certain that when the name of Sir J. Brooke should in after time be mentioned in history as a benefactor to his race, and an honour to his country, that then he should also be quoted as an instance of a great man who, in his own time, from his own contemporaries, received the honour and respect justly due to his merits. It was, therefore, not only for the sake of Sir James Brooke, but for the credit of that House, that the Motion now before it should be rejected by a triumphant majority.

Mr. URQUHART said, the friends of Sir James Brooke ought to be the very first to court inquiry on this subject. If he had been a supporter of Sir James Brooke in that House, he (Mr. Urquhart) would have been the very first to have made that proposition. Certain he was that in that House he would never be the friend of any man who, on his conduct being impugned, shrunk from investigation. It was not his fortune to be present in the House last Session; he was therefore totally ignorant of the whole proceedings; and it was not till his return to this country that he became acquainted with the facts of the case. His attention had been attracted to a volunteered publication by the Government of a document connected with the transactions of 1844–5, to which the hon. and learned Gentleman (Mr. Headlam) had referred in the course of his speech. In those transactions of 1845, he (Mr. Urquhart) found a departure from the ordinary rule of service, and a disregard of the law of nations. Having formed an opinion as to the gravity of this case, he had determined to devote his mind to its investigation. He discovered a hiatus in the papers which had been laid on the table of the House. He found that certain testimony relating to the transactions in question had been withheld, and in consequence of that discovery he had addressed himself to the Government, with a view to obtain information on various points, namely, the grounds on which the Hon. Captain Keppell had first acted, and on which the Recorder of Singapore awarded various sums of money for the destruction of the pirates. At last an order was made by the House for the production of that information. The hon. and learned Gentleman (Mr. Headlam) had said the House was now trying a criminal whom they had already tried before. He (Mr. Urquhart) had not found in the documents laid on the table of the House the only evidence which was of importance, namely, the evidence of the facts and crimes on which Sir James Brooke proceeded to destroy a great part of the population. The hon. and learned Gentleman (Mr. Headlam) said that it was a maxim of law that a man once tried ought never to be put upon his trial again for the same offence. The hon. and learned Gentleman said his difficulty consisted, not in the scantiness of his proofs, but in the overwhelming materials at his disposal for establishing the innocence of Sir James Brooke. But he (Mr. Urquhart) had failed to derive the most slender amount of evidence from the hon. and learned Gentleman's speech, or from the perusal of all the documents that had appeared, and of other publications which had been given to the world on this subject. He had failed in finding any evidence to establish the fact even of the piratical character of the population assailed. Though the Government took care to withhold the evidence upon which those steps were taken against the population, they had nevertheless taken care that very morning, on the very spur of the occasion, to lay on the table a large volume purporting to be the views of foreign Governments in reference to the transactions now under the consideration of the House. He (Mr. Urquhart) had perused every line of that document, and had found in it only one reference to Sarebas, whilst Sakarran was not mentioned at all. In that document, which was a valuable contribution to the history of the Eastern Archipelago, he had expected to find abundant and teeming evidence of the piratical character of the Dyaks. He had expected to meet with something tangible, something *ad rem*, something, in a word, which would establish the case of the advocates of Sir James Brooke. He found in that document a complete, entire, and consecutive narrative of a series of operations undertaken year by year, after mature deliberation of reports prepared after inquiry, and conclusions drawn therefrom, for the purpose of suppressing piracy in the Indian Archipelago. Day by day, were these geographical descriptions given of the islands and of the population, the lineage of whom was also minutely traced. The House would find page after page occupied with graphic descriptions of the mode and character of those operations from 1806 down to 1839; but the only allusion made to the Dyaks had respect to their having got some arms and ammunition from the pirates in the neighbourhood; and there was, as he had previously mentioned, only one reference to Sarebas, and not one at all to Sakarran. It was alleged, on the part of the Dyaks, that up to 1839 no allegation of piracy had been directed against them; but from that period, for interested motives, and by a deception that had been practised, the general character of pirates had been transferred from those to whom it rightfully belonged, and applied to them for political purposes. He (Mr. Urquhart) contended that the hon. and learned Gentleman (Mr. Headlam) had in the course of his speech endeavoured to obscure the plain meaning of the terms Dyaks and Malays, by mixing one with the other. In the paper to which he (Mr. Urquhart) had referred, there were no less than five descriptions of pirates. They were called Zooloos and many other names; but all those pirates had this common character, that their vessels were well built, that they had sails, and that they had guns on board; one of them was mentioned as having fifteen, but two large and four small guns were an ordinary complement. They were, therefore, armed with artillery, and adapted for long sea voyages. The course which they took was described to be this: They left the eastern or western parts of the coast respectively, as the eastern or western moonson set in. They stood out to sea and followed the currents, committing pillage as they proceeded whenever an occasion offered, and returned with the opposite monsoon to enjoy the proceeds of their adventures. That was the character given in the work to which he had alluded of the pirates of the Indian Archipelago. He would ask the hon. and learned Gentleman (Mr. Headlam) how he made that description apply to the Dyaks, who, as Sir James Brooke himself had said, were not able to remain more than five days at sea, whereas the Malays could remain out for eight months? Was a question like this to be disposed of by such special pleading as that on the part of the hon. and learned Gentleman (Mr. Headlam)? He (Mr. Urquhart) stood, with respect to this question, not in the position of a lawyer, nor even as a legislator. His position on occasions like that was that of a grand juryman; and he had to examine whether or not there was a *primâ facie* case to go to the jury. He would tell the hon. and learned Gentleman, lawyer as he was, it was no statement of a lawyer to say that a Motion like that of the hon. Member for Montrose (Mr. Hume) was a second trial of the same criminal. The Dyaks were a distinct tribe from the Malays in, among other things, the construction of their ships, and the machinery by which their crimes were to be committed. His (Mr. Urquhart's) position was this, that the inhabitants of Sarebas and Sakarran were pirates, because Sir James Brooke was established at Sarawak; and if he had been established at Sarebas or Sakarran, then the inhabitants of Sarawak would have been called pirates. Another passage from Sir James Brooke's despatches had been read by the hon. and learned Gentleman to this effect, that "we can only concede the right of war to recognised States." He (Mr. Urquhart) had never before heard of such a proposition. It was a monstrous doctrine that nations

should deny the right of war to peoples unless they were recognised as States. Was such a monstrous doctrine to be tolerated in this age of peace? Perhaps if the hon. Gentleman had seen this passage *in extenso*, as he (Mr. Urquhart) had seen it, he would himself have been startled by the illegal character of its propositions. Immediately following the passage which the hon. and learned Gentleman had quoted there came another. He would read them in connexion:—

> "On the second point we can only concede the right of war to recognised States;"

and then followed in the original (and for what purpose suppressed by the Government he knew not) these words:—

> "And even then we must carefully avoid introducing the refinements of European international law among a rude and semi-civilised people, a people who would make our delicacy a cloak for crime, and who would declare war merely for the sake of committing piracy with impunity."

But events and circumstances had recently taught us the value of laws and rules, whilst experience had failed to engender in this country that monstrous sentiment which had been disseminated in the Indian Archipelago. Was that a doctrine to hold in an age of peace? Was that a maxim for the nineteenth century? Where was its wisdom, and where its philanthropy? The question appeared to him (Mr. Urquhart) to lie in a nutshell. First of all, were these tribes piratical, or were they not? He contended that there was not an iota of evidence to prove that they were piratical. This was not a case of an English vessel seized by Dyaks. [Mr. HEADLAM: Hear, hear!] He defied the hon. and learned Gentleman opposite, who seemed amused at that observation, to prove the contrary. There was not an argument which had been used on the other side beyond the most flimsy sophistication, of which he (Mr. Urquhart) had not disposed. The Dyaks were not pirates; they had not the means of being pirates, and that was the best reason why they were not. But, supposing they were piratical, Sir James Brooke ought to prove that the men whom he attacked were guilty. He (Mr. Urquhart) knew something practically of dealing with pirates. [*Laughter.*] He did not mean that he had been their victim; he had other relations with pirates. He knew very well under what strict regulations officers of the Army and Navy were in reference to pirates. By the Admiralty instructions it was provided that no naval officer could attack a vessel without the act of piracy having been committed "in view;" but an extension of this regulation had been made to that particular sea, and the instructions allowed such an attack to be made when the officer had such evidence as made him certain of the fact. The Admiralty was not satisfied with that arrangement, for they said, by their last instructions, that such evidence as would be satisfactory to a court of justice in England was requisite before an officer could take a vessel under suspicious circumstances. The hon. and learned Gentleman (Mr. Headlam) quoted extracts from the depositions taken before the Recorder of Singapore. Anything more flimsy or absurd in the way of evidence, he (Mr. Urquhart) had never seen. There were as many as twenty-two of those depositions. The first and second deponents were not present when the transactions in question took place; but the third was; and all that he knew was, that an expedition had attacked the neighbouring villages and taken a quantity of sago from the inhabitants. That was the whole amount of the evidence on which the Recorder of Singapore gave his verdict, and on which 2,000 of our fellow-creatures had been sent to their last account. In that decision there was no mention of the character of the transaction, no specification of the crime, nothing which could give to the document any value as establishing the character of the transaction. It merely stated the number of persons present, the number of vessels destroyed, and the amount of head-money paid. The Government had passed sentence upon itself; because it had changed the law with respect to the evidence which was to be taken with reference to the seizure of a vessel on the ground of piracy, and had abolished the head-money, which was an incentive to piracy. The House was not aware of the extent to which those legalised ravages proceeded. The matter was worthy the attention of the people of this country in a pounds, shillings, and pence view of it. The suppression of piracy was an expensive game in that part of the world. Would the House believe that 120,000*l*. had been expended in those enterprises, and that the head-money for each man engaged in the suppression amounted to 42*l*. 13*s*. 9*d*.? That was surely no inconsiderable incitement to men to enter upon that vocation. If by their vote they decided that no inquiry should take place into these transactions, and if they decided that officers of high station might be charged with the gravest offences, and be the subject of the gravest charges, without any attempt to vindicate their character — if they pursued that course it would be much better for the House to suspend its sittings, and to entrust all power and authority into the hands of the noble Lord the Foreign Secretary, for he might be made in some way responsible.

MR. MONCKTON MILNES could not see how any Member of the House was justified in positively asserting, as hon. Members on both sides of the House had done, that it lay within their province to determine whether or not this individual people were, or were not, individually guilty of the crime of piracy or not. The question, as he took it, was this:—The Malays and the Dyaks were, ethnologically speaking, one race. The Dyaks were a race of Malays of milder temperament than the Malays properly so called. The Malays themselves were undoubtedly pirates, and they found that a certain portion of this more violent community settled occasionally on different parts of the coast of Borneo, where they very easily conglomerated and amalgamised with the milder race, and led the latter on to acts of piracy. This fact must render it very difficult to say whether the Dyaks were not guilty. The case was similar to that where a London poacher went down to the country where the young men were fond of poaching, but were afraid to practise it. The country was very quiet until he went down, and then suddenly it got a bad character. So it was with the Malays and the Dyaks. He understood his hon. Friend, who moved the Resolution, would have them infer that this great destruction of human life had been caused at the instance of Rajah Brooke, who desired to defend his principality. But the three admirals on the station were all implicated in the policy of Rajah Brooke; and he must also infer that when the hon. Captain Keppell made an made an attack in 1845, he was actuated by the same motive. Now that Rajah Brooke would be able to persuade all the commanders on the coast to bring all the English power to bear in order to serve his personal purposes, and defend his principality, bore the stamp of improbability upon the face of it. Was it not more reasonable to suppose that these three admirals, who were well acquainted with those seas, and familiar with the habits of the people there, really thought that they were pirates? Rajah Brooke had founded a principality not immediately under English rule, but under English patronage, and established himself as the civiliser of Oceania. If he added to the talent of a discocoverer the ability of a trader, he (Mr. M. Milnes) saw no disgrace or room for reproach in such a circumstance. But the establishment of the trade of Sarawak carried with it the necessity of putting down piracy. England, who fostered the principality and promoted the trade, would also protect her merchants; and it was upon this principle Captain Keppell acted in 1845. If those pirates were to be put down at all, there was no Gentleman who would not acknowledge that it was but humanity to put them down once and effectually. The hon. Member for Stafford (Mr. Urquhart) knew very well that the way in which they put down piracy on the Greek coast was by waiting and watching until the pirates had got together in their mountain holds, and then attacking and destroying them. This was the policy pursued by Captain Farquhar. Now, he believed the estimates of those killed had been greatly over-estimated. He believed that 500 men was the aggregate of the slain. One very gratifying thing had arisen out of these debates, and that was the total abolition of Pirates' Head-Money. In concluding, he must observe that hon. Gentlemen who brought forward this and similar Motions were doing considerable injury to the public character of the country. He thought that when his hon. Friend the Member for the West Riding of Yorkshire (Mr. Cobden), went about holding up these circumstances as tarnishing the character of the English name, and asserting that these proceedings might rank with any in cruelty and infamy which ever sullied the annals of any country, that he inflicted a great injury upon the public character of this country, and prejudiced the interests of humanity in general. There was nothing which tended to harden the impulses of the human heart more than cases of spurious humanity. It was a very hard thing that after an Englishman had gone out, and established out of his own resources a great principality, that he should be liable to have his character traduced by the traitorous production of his private correspondence, and the highly coloured representations which had been made to the public in such papers as the *London Illustrated News*, which, although a very pleasing production, was by no means entitled to the character of political accuracy. Should the Commission go out to Borneo or Labuan, who was it to examine—the Dyaks themselves? Why, the thing was absurd. They had all the information which was required laid before them with accuracy and attention, and he did not think that the House would do well in consenting to the Motion.

MR. HENRY DRUMMOND said, the hon. Member for Montrose (Mr. Hume) had deprecated the imputation that in bringing forward this Motion, he was acting as the tool of any one. It was not his wish to invalidate any testimony the hon. Member might please to give in his own favour upon that point, but he might be permitted to observe that sometimes persons were the dupes of others without knowing or suspecting it. There were also persons in the world who knew how to traduce others; and, for his part, he could not believe that, from beginning to end, this Motion had any other foundation than a personal determination to ruin the character of Sir James Brooke. He believed its origin might be traced to the machinations of certain persons connected with the Eastern Archipelago Company. They saw that they could not carry out their intentions because Sir James Brooke would not let them, and the only alternative which remained to them was his ruin. The deprecation of personal allusions came with a very bad grace from a man who, being in the employment of another, and engaged in applauding him to the skies, went to a private friend of that man, and said, "It is owing to my mercy he (Sir James Brooke) is not convicted of murder." But, to come to the case brought forward by the hon. Member for Montrose—the real difficulty of answering it consisted in this, that there was nothing in it to reply to which had not been replied to last year. To the hon. Member for Stafford (Mr. Urquhart), who last year was wandering Heaven knew where, the matter appeared altogether new; but to those who were present at the former discussion, it was evidently the old story over again. It was proved last year by the evidence of every historian and traveller who had written on or visited the part of the world in question, that the people whom Sir James Brooke attacked were pirates. That piracy existed in the country referred to, was asserted in the petitions of the Manchester Chamber of Commerce, in two from the Manchester Commercial Association, in two from the Glasgow Chamber of Commerce, in two from the Glasgow East India Association, by the Liverpool East India Association, and by the London Chamber of Commerce; or were those merchants who signed these petitions such heaven-born idiots as to petition to put down that which did not exist? The Sultan of Borneo had actually entered into a treaty with this country for the suppression of piracy. Did not he know whether there were pirates or not? Was the evidence of Sir Christopher Rawlinson on that point to be thrown overboard, as well as the fact that five pirates were taken in the act, and acknowledged their offence? To avoid these difficulties, the hon. Member for Montrose started a new dodge. "Oh!" said he, "there are pirates there, it is true, but the people called Dyaks are not so." But unfortunately all the depositions proved the contrary. A little learning was a dangerous thing even as regarded a blue book. It was not his intention to read much from that volume; but, as the hon. Member for Stafford had argued that the Dyaks could not be pirates because they had only small vessels, he must quote a passage from page 88, as follows:—[The hon. Member read a passage in which the pirates were described as having only small vessels, rigged with one mast, a single square sail, and a skull at their stern.] These vessels are used to run along the coast or ascend the rivers, enabling them to come speedily on their prey, and easily escape to the shore. Because the Dyaks used the sort of vessels best adapted for their piratical practices, the hon. Member wisely concluded that they were not pirates at all. In addition to the letter of the bishop, which had been read by the hon. and learned Member for Newcastle-on-Tyne (Mr. Headlam), he would take the liberty of quoting a passage from a letter written by a clergyman:—

> "We have now with us several influential chiefs from the neighbouring rivers, and among them the headmen of the Sakarran Dyaks, who have come to ask the Rajah to take them under his care, and to send a European to govern them. Their principal, Orang Kaya, is an especially interesting old man; he has always been against piracy, and wished to put it down, and, now that his people have agreed to give it up, he is quite happy."

When this chief expressed his pleasure because his people had agreed to give up piracy, it might fairly be assumed that up to that moment they had been pirates. This alone ought to be sufficient to establish the fact in the mind of any rational man. It might not, however, produce that effect on the hon. Member for Montrose. The hon. Member would not easily admit that he was satisfied; and if the House were not to escape an annual Motion on the subject until he made the acknowledgement, it would have to submit to the infliction for many years to come. Hear what Captain Hastings said:—

> "If I can be of the smallest service to you in giving any assistance to resist the cruel and unjust persecution which some evil-disposed persons are waging against you, I beg you will command the services of, my dear Sir James Brooke, yours faithfully, "G. F. HASTINGS."

This letter was dated February, 1851. Again, hear Captain Wallage:—

> "I offered a reward for all prisoners who should be brought to me, and, in consequence, one Dyak was captured, and this man freely allowed the predatory and piratical habits of the Sarebas people, and his own share in them for many years past."

That letter was dated the 17th of October, 1850. The following passage was from the deposition of a native:—

> "I, Mahomed Kassim, of Singapore, trader, do sincerely and solemnly declare, that many years ago, at the time when Mr. Crawford was resident at Singapore, I went from Singapore to Sadong, on the north-west coast of Borneó, on a trading voyage in a prahu of about fifteen koyans. I remained at Sadong about eight months, and during that period went to various places on the coast. In these excursions the boat in which I went was always well armed, as I was afraid of the Dyaks. During the time I remained at Sadong, seven Malay prahus, belonging to Bruni, Sambas, and the neighbouring islands, were cut off by the Dyaks. The Dyaks cut off the heads of the people found in the prahus, no matter what nation they belonged to, and took the goods."

But it was useless to read these passages, for they were but a repetition of what had been stated before. Mr. Crawford was a great authority with the hon. Member for Montrose—he was a perfect godsend to him. [Mr. HUME said, he had not named Mr. Crawford.] He would not let the hon. Member off on that plea. Mr. Crawford came as a witness before a Committee appointed to inquire into some other matter—an Ordnance survey, or something of that sort—and, having got him there, "Oh, oh!" thought the hon. Member for Montrose, "I will get something out of you about Borneo." Mr. Crawford was not very well acquainted with the habits of nations in those parts, as was evident from an anecdote related of him. It was stated that he went once to visit the Sovereign of Siam, and some person, by way of joke, told him that it was the custom for strangers to take off their shoes before appearing in the presence of the king. Mr. Crawford accordingly left his shoes at the door; but when he quitted the audience they were gone, and he had to walk home barefooted through the mud. The hon. Member for Montrose expected that Mr. Crawford would prove a great card for him; but when he came to be examined he stated that he knew nothing of the matter, except what he had got out of Sir James Brooke's diary, for he had not been in that country since 1825; and, singular to say, the very passage on which he had founded his opinion had been misprinted by Captain Keppell, the passage in the diary in the original manuscript volume, proving distinctly the contrary of that which had appeared in print. The hon. Member was not very nice respecting the quarters to which he applied for information. As long as he could get up a charge against a colonial Governor, he did not stick at trifles. Some time ago there appeared in the *Daily News* a letter written by a Mr. Miles, the same gentleman, he believed, whom the hon. Member had that evening referred to as the author of a letter, without naming him. Mr. William Henry Miles was a gentleman who followed the occupation of a butcher, with which he united the more honourable profession of a boxer, and it happened that owing to a little misfortune he went abroad at the Queen's expense. Lord Bacon said that there were two ways of making a man wise, by books and by travel. It was Mr. Miles's fortune to profit by the latter—

"Multorum mores hominum qui videt et urbes."

This gentleman went out to Borneo, and on his return to this country he took it into his head to write a letter to the Sultan; and, remembering that great Sovereigns, when they visited other countries, were usually treated to a review of the troops of those countries, in order to inspire them with a high idea of their military prowess, and wishing to convey a fine impression of England to the Sultan, he (Mr. Miles) resolved—for great men were never at a loss for resources—he resolved to send the Sultan a picture of the Horse-guards; and here it is. [The hon. Member held up the letter with a vignette view of the Horse-guards at the top of it.] The letter was as follows:—

Mr. H. Drummond

"My Dear Sultan—Altho in London 1,600 miles awhay from you I do not forget you and Borneo and when I come back to Singapore I shall come and see you I have told all my friends in London what nice old Gentleman you are and are much pleased with the account of Borneo and the plesent life the Malays lead the Queen had A little boy the other day I should not be surprized if it is not called The Sultan I must buy some litte present in London for the Sultan Before I leeve Mrs. Miles and all Her friends sends there Kind Complements to the Sultan tender my respects to Pengaren Molmean and Pengaren Maccootar and all the other Pengarens and nobles of Brunie.

"Oping this will find you all well believe me Dear Sultan

"Yours Respectfully
"William Henry Miles,
late Pengaren Miles Labuan.

"London, 24th May, 1840.

"P.S. This is the Queens Birthday I drank your and Her very Good Helth in A bumper and wished you might live A hundred years."

Now, upon the strength of this letter, he denied that the letter which the hon. Member for Montrose had received and published was written by this man. He (Mr. Drummond) would like very much, if the hon. Member would hand over the manuscript of the letter to him or to some of his friends, and allow the handwriting to be compared with that of the letter he had just read. He (Mr. Drummond) believed that the letter read by the hon. Member (Mr. Hume) was cooked; for the fact was that the Mr. Miles, whose letter he (Mr. Drummond) had just read, could not spell, and, therefore, he could not have written the letter which was published in his name; and he (Mr. Drummond) did not believe the handwriting was like this. But he had no doubt he could easily get another handwriting to resemble the one the hon. Gentleman had got. The whole of this transaction from first to last was a very discreditable one. There was, he knew, a mock patriotism which thought that it was always doing the public a service by finding fault with people in office, and particularly with those in distant settlements; whereas it was to official men in distant settlements that they ought to be more than ordinarily ready to extend their protection. The House should remember the many worthless adventurers who went out from this country to those settlements for the purpose of repairing their broken fortunes and character, and with whom official men were necessarily thrown into contact; and how any mark of just severity which might be measured out to those characters was sure to furnish abundant opportunity for slander. He did hope that the House would, with a high hand, reject this Motion, although he could not hope that that would put an end to the matter. At the bottom and root of it all were the parties to whom he had before pointed, and so long as they were allowed to continue their machinations, so long would those discussions last.

Mr. MACGREGOR said, he rose not with a view of entering into the general question before the House, but simply to repel the attack made upon the Eastern Archipelago Company, of which he had the honour to be chairman. It was a most respectable company—it had for one of its directors the Earl of Albemarle, and he might say that but for that nobleman, he would never have had anything to do with it. He defied the hon. Member for West Surrey (Mr. Drummond) to prove that this company had ever done anything but what was prudent, discreet, and fair; and he believed Her Majesty's Government would bear him out in what he said.

Mr. HENRY DRUMMOND explained, that he meant his charges to refer to the manager of the company; and his charge was, that the truck system had been adopted in the islands. The truck system, disreputable in individuals, was more so in an incipient colony, where the most scrupulous faith ought to be kept with the natives. It was managed thus: a shop was kept by the company's superintendent, from which the native workmen and native traders received half their pay and half their money demands, in goods. Thus a piece of balacher, or grey shirting, costs in Singapore two dollars, or one dollar ninety cents, which the native must take in payment for the dollars. If the native refuses, he could not deal with the company nor work for it. The fact came out in court, before Sir James Brooke and two other Judges, in this way: to establish a date on a trial in which he was a witness, the Company's superintendent handed in a receipt for a quantity of 'paddy' (rice in husk), which receipt was signed by the native plaintiff in the case. The receipt was fairly written in English for above 200 dollars, and the native incidentally stated, that half the money-price had been paid in grey shirtings; so that either the superintendent had cheated the company, or the company had cheated the people; but, in either case, the people were robbed.

Mr. BAILLIE COCHRANE said, he must congratulate the hon. Member for Montrose (Mr. Hume) on the fact that the speech he delivered on that occasion was the worst speech that he had ever heard from him, and he congratulated him on this fact, because it showed that the hon. Member's own good feeling and good sense were opposed to the cause which he had undertaken to advocate. [Mr. Hume: Oh, nonsense!] He was sorry the hon. Gentleman thought it one of his best speeches, and he could only hope that those who heard it were not of the same opinion. After the speeches that had been delivered in the course of the discussion, it was unnecessary for any one to rise in defence of Sir James Brooke. But, with the permission of the House, he (Mr. B. Cochrane) would read a portion of evidence which had not yet been quoted—the evidence of his father (Sir Thomas Cochrane), who had carried on operations against these pirates, who had lived for two years as the friend of Sir James Brooke; and the character Sir Thomas Cochrane bore in the Navy would, he believed, render his testimony of great importance as regarded Sir James Brooke. He would now read the letter, which was addressed by Sir Thomas Cochrane to the noble Lord at the head of Foreign Affairs, and which was of the more importance as Sir Thomas Cochrane had been referred to in such a way by the hon. Member for Montrose as to convey the impression that he was hostile to the proceedings of Sir James Brooke. [Mr. Hume: I merely quoted his orders.] The following was the letter:—

"I have just been informed that the affairs of Borneo, and the conduct of Sir James Brooke, and those engaged with him, are again to be brought before Parliament. I therefore feel it incumbent on me to express to your Lordship my opinion of that gentleman, which I am the more competent to afford from his having on two different occasions placed himself under my command, and from his having for long periods lived with me on board my flagship, or in my house on shore. My first acquaintance with Sir James Brooke was in the year 1845, when piracy became daring on the west coast of Borneo, so as to endanger British commercial interests, as well as those of the peaceful inhabitants of the coast: and at the instance of the Sultan of that country I destroyed a formidable nest of pirates in Malodos Bay, on which occasion Sir James Brooke accompanied the force detached upon that service. In the following year I was under the necessity of proceeding to the capital of Borneo, to chastise that same Sultan who had the previous year urged the destruction of the pirates, and who had now assumed a hostile position towards England. On this, as on the former occasion, Sir James Brooke placed himself at my disposal, and rendered me important service, not only from his knowledge of

> the Malay language, but from his knowledge of the people, their manners and habits, which he not only respected himself, but instilled into all about him the policy and advantage of following his example. Upon each of these occasions Sir James Brooke was above six weeks on board my flagship, and he subsequently resided three mouths with me at Penang. I found him one of the most mild, considerate, and single-minded men I ever met with, and one who, in every conversation I had with him on the subject of Borneo, expressed himself in the terms of a father and friend to that people, and I had ample opportunity of witnessing how entirely they responded to that feeling. It was singular and striking that on parts of the coast where I am certain that no European had been previously seen, almost the first word pronounced by the people was the name of Brooke. But I shall perhaps better convey to your Lordship the opinion I had at that time formed of Sir James Brooke by stating that, on the Sultan flying from his capital, I deeply regretted that I had not the authority of the Government, as I had the power, to replace him by Sir James Brooke, under the full conviction that the measure would have been hailed with acclamation by the whole people. With regard to the attack on the Sarebas and Sakarran pirates, I derive my persuasion that the measure was only resorted to as one of absolute necessity from the fact that on my first or second visit to Sarawak, having heard that those people were disturbing that settlement as well as other parts of the coast, I offered to place a force at Sir James Brooke's disposal, in order to bring them to reason; but, so far from hastily availing himself of my offer, he informed me that he was trying, by gentle and peaceful means, to lead them to a quiet and industrious life. In regard to the loss of life that attended the late attack upon the people, I have to acquaint your Lordship that it is impossible to give, and hopeless to expect, quarter in action with this singular people—they have such an extraordinary contempt for life. A Malay, when irritated, whould kreiss a whole roomful of people, although with the certain knowledge that he would immediately fall himself; indeed, he would have no hesitation in concluding the tragedy by self-immolation. A fatal confidence in their possessing the feelings of ordinary men led to a result, on board one of the ships under my command, by which many valuable lives were lost. An attempt to give quarter in action would put to hazard the success of the day."

This was the testimony of a man who had been quoted as hostile to Sir James Brooke, who was perfectly competent to form an opinion upon this subject, and he thought it bore ample testimony to the high character of that gentleman. He could only say, in conclusion, that if he had risen to trespass upon the House at all, it arose from a feeling of personal anxiety and pride to have his name associated with a debate which he was sure would be concluded by a vote that would satisfy the people of England that public men doing their duty in the noble and generous manner in which Sir James Brooke had discharged his would be sure to receive the support of his countrymen at home.

MR. GLADSTONE: Sir, I think my hon. Friend who has just sat down has done honour to himself by the valuable and important testimony which he has quoted in favour of the character of the distinguished man who is assailed on this occasion, and against whom I am bound to say no inconsiderable personal animosity appears to exist. On account of this personal feeling with respect to Sir James Brooke, it appears to me that this debate has gone into questions with which the Motion has no proper connexion; and the question has assumed in too marked a manner, if not exclusively, a personal charge against Sir James Brooke. In this personal feeling of hostility to the character of Sir James Brooke, I do share. There is nothing which has been said by the hon. Gentleman (Mr. B. Cochrane) to which, as far as my limited knowledge extends, I am not fully disposed to subscribe. I look upon Sir James Brooke with great respect as a man of an energy truly British, and I believe that in his heart and intentions, however liable he might be to errors of judgment, he is a man of a philanthropy truly Christian. No doubt the hon. Member for Montrose (Mr. Hume) would be the first to admit that as his Motion stands it bears on the face of it to be a charge against Sir James Brooke as an individual; and that the Vote of this House, if it should be favourable to this Motion, would imply an acquaiescence in these charges against him. I cannot vote for the Motion of the hon. Member for Montrose upon the specific grounds which that hon. Gentleman has stated, while at the same time, as I shall shortly show, I am unable to concur in the unqualified language which has been used on the other side. I cannot think that there is any reason whatever, whether in respect of the general position of Sir James Brooke, or in respect of the combination of offices in his person, however liable to criticism his position may be—however inexpedient, as a rule of administration, that combination of offices may be—I cannot think that an address to the Crown upon the subject would be expedient, either upon general principles, or altogether just to Sir James Brooke. First of all, with respect to the particular charge brought against him—the destruction of so many human beings, alleged to be pirates, on a particular occasion—if I am correct in my view of the question, there is no reason why Sir James Brooke should be selected either as singly or even as mainly responsible for that proceeding. This is a matter on which, I apprehend, we are all competent to reason; and I want to know, in view of the challenge which has been thrown out to the House of Commons by the hon. Member for Montrose, who are the parties whom it is our duty to call upon to render an account of these proceedings? Sir James Brooke, I understand, acts in three characters—as Rajah of Sarawak, as our Consul in the dominions of the Sultan of Borneo, and as Governor of Labuan; but in no one of these characters had Sir James Brooke authority to employ or direct the forces of Her Majesty. What might have been the case if the action had taken place within the waters of Labuan, might be a different question; but it was some hundred miles away. As consul, in Borneo, he could not control them, neither could he as rajah of Sarawak. He, if I rightly understand the case, was a consenting and advising party; but he was not the party who was primarily and properly responsible to this House. If the House thinks that there has been a questionable use of the naval power of this country on the 31st of July, 1849, in the waters of Borneo, it appears to me that we are not entitled to call upon Sir James Brooke, who was not in command of our forces, although he was an assenting and an advising party, to bear the brunt of the responsibility of that action, but that we ought to deal in the regular form in which it comes before us with that branch of the naval service; and, whether we address Her Majesty or not, the parties who were in command of that force ought to be held responsible for the use or the misuse which was made of it. On these grounds I am unwilling to accede to a Motion which proceeds on the assumption that Sir James Brooke is the party who ought to be responsible. But even on the main point of the question, I cannot upon the whole come to the conclusion at which the hon. Member for Montrose has arrived—I mean the question, whether these tribes are pirates or not; and at a subsequent period I shall candidly, and I hope respectfully, state to the House the difficulties which weigh upon my mind. As regards the question whether these tribes are pirates or not, I cannot treat it as placed beyond the possibility of doubt; but after taking all the pains in my power to examine the evidence, I must own that the balance of testimony seems to me to be in favour of the opinion that these particular tribes are distinguished from the rest of the Dyaks, not only from being addicted to barbarous warfare, but especially in being addicted to that peculiar species of warfare which is characterised as piracy—not that kind of piracy which would induce them to attack European vessels, or any vessels that were assembled in considerable force, but possessed of that essential feature of piracy which would induce them when they go to sea to know no distinction between friend and foe. I attach great authority to the testimony of Sir James Brooke himself on this point. I am fully aware of the delicacy of his position. I know that he, as a naval sovereign, might be pressed to take a course which would be most convenient for his own political interests; but my entire confidence in his high honour and integrity, leads me to receive his statements with unqualified and unreserved belief. We must also recollect that, after all, the matter has been raised and argued judicially. It was argued before Sir Christopher Rawlinson in 1849; and it is plain, from a perusal of the depositions, that that part of the question was clearly before him. It is not true that Sir Christopher Rawlinson had nothing before him except the question whether there was a general presumption of piracy. The evidence adduced was sufficiently minute and pointed to convince me, and I have decided, after much consideration, that these tribes were piratical. But the question, we are told, has also been argued in this country before Dr. Lushington, when an objection to the payment of head-money was taken by the Queen's Advocate; and Dr. Lushington, after hearing evidence, gave his decision with reference to the events of 1844, that these tribes were of a piratical character. So far, then, as these points are concerned, even if a doubt remained on my mind, I am bound to say that there is not sufficient ground for a Motion of inquiry. I must now come nearer to that which is the real difficulty of the case, and, after listening to all the satire and sarcasm of the hon. Member for West Surrey (Mr. Drummond), and his severe lectures against unguarded language and slander—after listening to his lectures with all that respect which they deserve, and that attention which they cannot fail to command—I must say that this question is not to be disposed of by taunts against the hon. Member for Montrose. It has not been my lot in the course of my political life to be found often in the same lobby with the hon. Member for Montrose; but at the same time I must express my conviction that there is no man who brings to the consideration of a question motives of a higher and more honourable description, or who is more anxious to elicit the truth. That is what we have to consider to-night, and I do not think our duty will terminate with the question whether the terms of this Motion are liable to objection. I frankly tell the hon. Gentleman that they are, because they assume the character of personal charges against Sir James Brooke, and to fix upon him a responsibility which does not personally belong to him. The great moral question, the obligation which is placed upon us, is not to determine how the blame is to be distributed, if blame there be—but having before us the fact of a great destruction of human life, we have to decide whether that destruction was warranted by the principles of justice and of law. I bring no charge of cruelty against those who were concerned in those transactions. I cannot believe that any motive of cruelty prompted them. If I doubt the legality of their proceedings, I do it without the slightest intention of questioning that, in making that great sacrifice of human life, they believed they were acting in the ultimate interests of humanity. Of that I have no doubt whatever; but still I cannot consent to dispose of the question in that way. When in this House we hear the name of a pirate mentioned, we are too apt to leap to the conclusion that the whole question is at an end. I submit that that is a fundamental error. Your relations even with pirates are regulated by law, and if they are regulated by law you are bound to observe that law in your dealing with pirates as much as when you are dealing with criminals of any other class, or with individuals who are not criminals at all. That I lay down as a fundamental proposition, and to its consideration I beg the attention of the House. What is the law with respect to the treatment of pirates? It is regulated by two Acts of Parliament. The first is the Act with respect to the distribution of Head Money, and perhaps that is the Act which is best known and most in vogue with reference to piracy. In that Act there is undoubtedly little that savours of legality. It speaks of the expediency of encouraging the destruction of piratical vessels, and it provides for the payment of 20*l.* for every person who is taken, whether dead or alive, in action or immediately after action, and of 5*l.* for every person who is otherwise secured. But in 1837 this House was pleased to pass another Act, which ought not to pass from its memory. Up to the passing of that Act, the crime of piracy was simply and absolutely capital, and you might hold that if the piracy was proved the question of law was at an end; and I admit that if that were the only law now in existence, and if the fact of the piracy were proved, I should have nothing further to say. But in the Act of 1837 you provided that the crime of piracy should not in all cases be capital; and I was sorry that this point, as put by the hon. Member for Montrose, did not meet with more attention from the House. He stated it in language different from that which I should be inclined to use, but substantially I fully agree with him. He said it was your duty to take the pirates if you could—you were entitled to put to death those who resisted, but it must always be with a view to capture the rest. In the Act of 1837 there are two sections which bear upon this point. In the second section you thought fit to enact that any person who, being on board a piratical vessel, made any active effort at resistance to the capture of the vessel, was liable to be put to death; so that no doubt, if, in exigencies of an engagement with pirates, any person was put to death, our forces were only doing that which a court of justice would sanction. But then came the third section, which provided that any man committing an act of piracy, but who offered no resistance to his capture, should no longer be put to death, but should be liable, at the discretion of the court, to transportation beyond the seas for the term of his natural life. So that the position of the crime of piracy was now altered, and the punishment of transportation was substituted for the punishment of death. Now, observe what you have done in this matter. You have punished with death 500 persons. There are only two cases in which you are justified in doing so—the one is the case of active resistance, the other is where the pirates do not submit to capture so that death may ensue. Now, I put it to the House—I put it to Her Majesty's Government—above all, I put it to the law officers of the Crown—because I wish to state the case as it proceeds from a mind at least not conscious of a bias on this subject—I put it to them, do the deaths of these 500 persons all fall under one or other of these two cases? I hope I have raised the issue fairly. I quote only from the printed papers and from the accounts of men who were engaged in those transactions, and who look upon the action as doing themselves high honour; and I say that, tried by this just standard, it appears to me that a large number of these 500 men were put to death without that legal warrant which there would have been in either of the cases I have supposed. When the action began there was certainly a partial resistance by a certain number of pirates. I do not speak of its feebleness —it was an actual resistance. But that resistance was a partial one, and at any rate very soon ceased. The resistance was followed by flight. The flight was followed by pursuit. The pursuit was, as far as I understand it, nominal. The means of flight were small and ridiculous as compared with the means of pursuit. Well, now, what is said by Captain Wallage? The question is, were these persons sacrificed in the act of resistance, or in the act of flight? Captain Wallage says—

> "Perceiving from the fire from Captain Farquhar's boat that the enemy had put to sea, I gave chase, and in a short time fell in with seventeen prahus, which had succeeded in escaping from him. On coming abreast of them, I fired the starboard broadside with canister shot along the whole line."

This was no chase for the purpose of capture—I do not raise upon the question whether these persons were pirates in the strict sense of the term, but to show the illegality of the acts done. The flights had ceased. Where was the vessel from which the fire proceeded? Abreast! She was not in pursuit. There it was where the immense slaughter occurred; and I distinctly and deliberately ask for a vindication of those proceedings in that view of them, or else for a fair and satisfactory proof that my statement of the facts is erroneous. I hope I am clearly understood. I say, that according to evidence, if true, a great number of these lives were not sacrificed in resistance, or under the necessities and exigencies of pursuit, but were deliberately sacrificed (whether with humane motives is quite another matter), and the question is whether that is legal. This it is which will certainly make it my duty to vote, not for a Motion which proposes to institute an inquiry into the conduct of Sir James Brooke, and marks him as the main author and party to these proceedings; but, in the absence of explanation or defence, for an address to Her Majesty, without designation of parties, for an inquiry into the proceedings connected with that attack and loss of life. But I sincerely hope that what I have stated is erroneous, and that the Government has looked into the matter and considered the bearings of the law with better aids than I have had an opportunity of commanding. To them I look for a vindication, which I hoped they would have been disposed to make through some of their Members at an earlier period of the evening. It has not been so, and I have felt it my duty to state the case as it presented itself to me. I hope, in so stating it, I have not used any expression which is painful to the feelings of any one. I deeply regret that there should be any necessity on the part of this House, ever so remotely, to ask the reasons for the proceedings of officers acting under the directions of the Government. But as public duty is the first consideration with us, so public duty requires us in every case, without fear and without flinching, to ascertain and enforce the legality of the proceedings of our officers abroad as well as at home, as being, in point of fact, the only permanent guarantee for the security and the rights of every man amongst us.

VISCOUNT PALMERSTON: Sir, I confess that I never heard a debate in which the argument and the proof seemed more completely on one side than that which is now engaging our attention. And I must pay my hon. Friend the Member for Montrose (Mr. Hume) the compliment of saying, that though he often entertains strong opinions of questions which he brings forward, yet the natural candour of his mind has shown itself in the manner in which he has brought forward the subject this evening. For there is no one, I think, who has heard him, and there is no one, I suppose, present who has not, but could see, through the whole of his arguments, that his convictions, which were strong last year, were somewhat shaken this year; and, although he did not altogether depart from the conclusions which he has before drawn, yet I think those who have heard him this evening must have felt that he did not altogether show that confidence in the soundness of his conclusions which he has exhibited on former occasions. Sir, the question indeed lies, as was stated by the hon. Member for Stafford (Mr. Urquhart) almost in a nutshell. The question simply is—were the persons who were attacked by the combined force of Her Majesty's service, and the Dyaks under Sir James Brooke — were they, or were they not, pirates? The right hon. Gentleman who has sat down remarked that no Member of the Government had risen, till this late hour of the evening, to state the views of the Government upon this question. My hon. Friend the Under Secretary of State for the Colonies did rise when the hon. Member for Montrose sat down, but he gave way to others who had been more fortunate to attract your eye, Sir. Now, Sir, the real question, then, as I say, is this —were these Dyaks who were so attacked, pirates, or were they not? I will first address myself to the argument of the right hon. Gentleman who has just sat down, who, admitting for the sake of argument, that they were pirates, contended that there was illegality in the mode of dealing with them as pirates. The right hon. Gentleman contends that the change of the law which was effected in the year, I think, 1837, by which capital punishment of persons convicted before a court of law in this country for piracy was abolished, and transportation substituted in its room, ought to have prevented the destruction of those persons in the engagement in question. Now, I conceive that that argument has no application to the case in point. If these persons had been captured—if they had been taken prisoners—if, upon being taken prisoners, they had either without trial, or by sentence upon trial, been executed, I should have admitted the argument of the right hon. Gentleman. No doubt, when the law is altered, and when a court of justice can no longer apply the penalty of death to a person convicted of piracy, if a court of justice should apply that penalty, or if without sentence of a court, persons having in their possession pirates should execute them, the observations of the right hon. Gentleman would apply. But in order to deal with these persons under the law, you must be in possession of their persons, you must have taken them; and, as has been well stated in this debate, it is the peculiar character of these Malays that they do not surrender, that they prefer being killed to being captured, and it was in the pursuit of the enemy that this destruction of life took place. Why, Sir, take the analogous case of an ordinary enemy in war. It would not be lawful when you have taken a prisoner in war, either to transport or put him to death. You are at less liberty to deal with him than you are to deal with a pirate; but still, when you are engaged with an enemy, until that enemy surrenders, until he asks for quarter, and puts himself in your power—you continue hostilities—and if you come up, you fire a broadside, whether with round shot or with grape, but you continue your hostilities against the enemy with whom you are contending, until he by an act of his own indicates that he surrenders and places himself in your power, and claims from you that forbearance which the laws of war, or, in this case, if you please, the laws of the land, would entitle him to claim at your hands. Consequently, Sir, I cannot perceive that an argument founded upon a change of the law in the year 1837, has any application in the transaction which is now the subject of consideration. Well, then, Sir, take the broader question, were these parties pirates or were they not? Now, Sir, I remember in the debates that we have had upon this question in former years, we had much broader assertions than those that we have heard to-night. We were told that there might, indeed, in these eastern seas be tribes who were engaged in that newly-described operation, which is almost represented an amiable pursuit, that of inter-tribal war—that there were nations who were addicted to inter-tribal war; but as to piracy in any sense which would denote the taking of merchandise, and especially of square-rigged vessels, in that respect no such thing as piracy need be supposed to exist in the Eastern Archipelago. Well, Sir, I have laid on the table of this House proof upon proof of the taking of square-rigged European vessels, of scenes of murder of crews—of scenes of plunder of the merchandise contained in the vessels which, until the last few years, have prevailed throughout the whole extent of these seas. I laid upon the table this morning a very extraordinary document, which I regret I had not an opportunity of producing sooner, in order that my hon. Friend the Member for Montrose might have had time to consider its contents. That document contains a history of the operations of the Netherlands Government against the most extensive system of piracy which has prevailed throughout these seas. Why, Sir, I have a despatch (which I will not trouble the House with reading) from the Consul at Manilla, giving me an account of the operations conducted there by the Spanish Governor against the pirates of Sooloo. In that despatch the Consul draws a contrast between the state of things at present and at a former period. He says that it had been his duty in years gone by, during five years that he had been there, to record instances of merchant vessels having been attacked, whether American or British, and of their being crews carried off in slavery; of square-rigged vessels having disappeared, and never having been heard of, presumed to have been carried off by pirates; but he says that, in consequence of recent operations of British ships of war on the northern coast of Borneo, in consequence of the operations of the Dutch and Spaniards, trade is becoming secure, and that the proceedings of pirates had, at all events, for the moment, been considerably checked. Well, Sir, I suppose no man now that has read the papers that have been laid upon this table, will, for one instant, be disposed to deny that piracy to an enormous extent has prevailed all over the seas round Borneo. Well, then, Sir, the real question is, whether a small number of these tribes of Dyaks are exempted from the guilt which taints other tribes and natives in that country. Why, Sir, we have two proofs that they were guilty of that same crime. There are, in the first place, the depositions of those two masters of native vessels who were examined by Colonel Butterworth on the subject of Captain Keppell's operations, and both of them declare that the depositions which were contained in these papers, that the Dyaks of Sarebas were known to be habitual pirates, were true. We have, then, that other proof, which my hon. Friend had no time to find in the papers which were presented this morning, in which, by a singular coincidence, the Dutch Government, years ago, stated distinctly the fact, that these Dyaks of Sarebas were notorious pirates; they described precisely how they carried on their piratical operations, in light and small vessels, which my hon. Friend contended was proof that they did not commit piracy; and that the weapons of this particular tribe were swords, javelins, and spears. Why then, I say, here we have, first of all, the proof that piracy prevailed to an enormous extent in these seas of Borneo; and in order that it should be impossible for any man to say that this particular tribe of Dyaks was alone and singly exempted from the general guilt, we have the testimony of masters of vessels at Singapore, and of all these reporters to the Dutch Government, proving that these Dyaks of Sarebas were guilty of the crime of piracy. Well then Sir, I say the whole accusations fall to the ground. There is really nothing to inquire into, unless it be an inquiry (which I do not wish to pursue) into what could have been the source whence these various, and persevering, and malignant persecutions proceeded. I do not apply that word to any course which has been taken in this House; but I must denounce these charges as malignant and persevering persecutions of an honourable man. Sir, I am convinced that this House will, by an overwhelming majority, negative the Motion of my hon. Friend, and that by so doing they will proclaim to the world that Sir James Brooke retires from this investigation with an untarnished character and with unblemished honour. And I am persuaded that he will continue to enjoy the esteem of his countrymen as a man who, by braving difficulties, by facing dangers in distant climates, and in previously unknown lands, has done much to promote the commercial interests of his country, and to diffuse the light of civilisation in regions which had been before in the darkness of barbarism.

Mr. COBDEN said, it was not his intention to enter on the point started by the right hon. Gentleman (Mr. Gladstone) as to the responsibility of Sir James Brooke in this matter, further than to explain the reasons why his hon. Friend the Member for Montrose had moved for this inquiry into the conduct of Sir James Brooke. Sir James Brooke had himself taken the most public occasion to claim for himself the merit of the act into which they were inquiring, and had assumed to himself the right to do what the hon. Member for Montrose denied he was justified in doing. He (Mr. Cobden) had always felt that it was to those employed by the Admiralty they had to look as responsible. We paid a very large sum for maintaining a naval force in the Indian Archipelago. Lord Auckland had stated, many years ago, that it amounted to twenty-five ships of war, with 4,200 men, kept up chiefly to protect our commerce in the Indian and China ocean; and having that large force, and a responsible admiral at the head of its affairs, they were justified in looking to the Admiralty as the responsible party. But Sir James Brooke had stepped in and proclaimed at a Fishmongers'-hall dinner

—["Oh, oh!"]—he had proclaimed that he would put down piracy, and that he was in Borneo for that purpose. Now he came to the broad question put by the noble Lord the Foreign Secretary—were the parties who were slaughtered on the 31st July pirates or not? It would not do for the noble Lord to talk of the majority there would be that night, or to say that the thing was disposed of, for he believed that evidence had been brought forward that evening, which, if disregarded by that House, would give a tenfold force to the feeling of the public out of doors. His hon. Friend (Mr. Hume) had brought forward in evidence five letters written by naval commanders stationed upon the very coast, and he pledged himself to bring them forward to give evidence if this inquiry should be granted. He first quoted from Commander Daniel, of the Indian navy, who said, "As respects the British expedition against the Dyaks in question, I never heard of their having molested an English or a foreign vessel." His hon. Friend quoted also from Commander Young, of the Indian navy, who was upon that station from March to December, 1848, and who was perfectly willing, if called on in an official way, to give evidence upon the subject in hand. He also read two other letters from captains in the navy. One of them had been sixteen months stationed upon the coast of Borneo, and he stated his belief that the Dyaks in question were not pirates, and expressed his satisfaction that his ship had not been engaged in the affair. The other captain had been stationed at Labuan, and he expressed his belief also that the Dyaks were not pirates in the sense generally taken of the term by Englishmen. [*Cries of* "Name, name!"] The name would be given if the inquiry should be granted. Now, how did this case present itself to him? An energetic English gentleman found his way to the coast of Borneo, and entered into a trading speculation with a local chief or rajah of that island. The transaction ended in his becoming possesed of the territory of that chief, and his becoming sovereign or suzeraine to the Sovereign of Borneo over a territory the size of a large English county. He didn't stop to inquire how far that was legitimate, but he said that, having in view the interests of his country, when he heard of Sir James Brooke having become possessed of that territory, his feelings were those of strong anxiety that our Government should not become partners, or in any way interested, in its possession, because he felt that we had far more of those possessions already than it was for the advantage of this country to have. He believed that his alarm was not altogether unfounded, but that attempts were made to induce the Government to take possession of that territory. He believed, however, that the late Sir Robert Peel and Lord Stanley were sounded upon the matter, and that they were both strongly of opinion that it was not the interest of England to possess any more territories of the kind. Sir James Brooke, however, continued to hold it upon his own account. He did not stop to inquire into the anomalous position of an Englishman being sovereign of a territory like this, and at the same time being the Governor of an English colony—Labuan. The next thing that he heard was that Sir James Brooke was engaged in a war with his neighbours, which was carried on with English vessels under the pretence of being engaged in putting down piracy. He found that Sir James Brooke claimed to himself the merit of being in Borneo for the purpose of putting down piracy in the Eastern Archipelago, and the difficulty of discussing this matter was this, that while Sir James Brooke was carrying on a war only with his next-door neighbours, hon. Gentlemen would import into it the whole of Borneo, which was 2,000 miles in circumference, and the whole of the Indian Archipelago, which occupied an aqueous surface of 4,000 or 5,000 miles. When he found that English ships were employed under Sir James Brooke to put down piracy, he next inquired whether those parties were pirates or not, and upon this subject he would quote Mr. John Crawford, the author of the best-known work upon the Indian Archipelago, who had nearly completed a Malay dictionary, and who had been consulted by the present Government with respect to the formation of the establishment of Labuan. That gentleman said that the Dyaks of Sarebas and Sakarran were not Malays, and that those who talked of them as Malays did not understand the subject. Yet the House heard the Dyaks and Malays constantly jumbled together. As he could bring authority to prove that these Dyaks were not pirates, he wanted those who took a different view to give some authority to justify this great act of violence, and, as he called it, of cruelty. There was no proof those Dyaks had committed on an English ship be considered as a public question of great importance, affecting the character of this country. He had been asked that very day why he brought forward this question at a period so long subsequent to the transactions to which it referred, and when it was impossible to remedy the evil. He could not for a moment acquiesce in any such opinion, and he was anxious to remind the House that he had endeavoured from a very early period to bring the question before their consideration; but he must say he never knew a question which was kept in so much doubt and secrecy, or in which he had encountered so much difficulty in obtaining from the Government those official documents and papers which ought to have been on the table long ago. A charge had been made by the hon. Member for West Surrey (Mr. Drummond), that he (Mr. Hume) had been urged on by an individual who was hostile to Sir James Brooke; but he denied that such was the fact. He was not the tool of any man, and he had taken up this question upon his own conviction of the necessity and justice of doing so as a public man. He was not the only one who thought so, for he learnt that a great public association in this metropolis had had the matter under their consideration. In order to show that he was not actuated by any private or personal feelings in the matter, he might state that it was first brought under his attention by an extract from a Singapore paper which appeared in the *Daily News* of the 25th of June, 1849, and which stated that in March and April the naval force of the *Nemesis*, belonging to the East India Company, and in the pay of the British Government, had joined a collection of prahus with Sir James Brooke, and had proceeded to attack certain portions of the Dyaks of the Sarebas and Sakarran rivers, in the island of Borneo; but the paragraph which most attracted his attention was the one in which it was asked whether it was creditable to our naval forces to aid or take part in cruel butcheries, and brutal murders of the helpless and the defenceless? After reading this account, he (Mr. Hume) came down to the House and asked the First Lord of the Admiralty whether he had received any despatch from the *Nemesis*; and the answer was that none had been received, although there was a naval regulation, by which every officer commanding a fleet was bound to despatch to the Admiralty by the first opportunity an account of every proceeding of such a nature. On the 4th of February, 1850, he asked the noble Lord at the head of the Government—

> "Whether he would lay upon the table of the House the reports furnished by the commanding officers, whether of Her Majesty's or the East India Company's navy, engaged in operations for the alleged suppression of piracy against the natives of Borneo, on the rivers Moratatias, Sarebas, Sakarran, and other places during 1849; together with the correspondence between Sir James Brooke and Her Majesty's Government on the same subject? He asked the question, because very great anxiety existed in the public mind on the subject."

The noble Lord said in reply—

> "That the Government were ready to lay upon the table any information they possessed on the subject to which the hon. Gentleman referred. At the same time, he was not aware that the Government were in possession of any information beyond the reports of officers of Her Majesty's Navy."

Upon the 4th of March he complained of the delay of the papers promised by the noble Lord, and upon the same day the noble Lord said—

> "He had hoped that those papers would have been prepared before Parliament met, and he was not at present aware of the causes which had delayed them."

Upon the 8th of March he gave notice that he should again call the attention of the House to the subject. On the 21st he moved for copies of Sir Francis Collier's orders to Commander Farquhar, alluded to in Commander Farquhar's report of the 25th of August, 1849, in reply to which the First Lord of the Admiralty stated that some of the papers he had not got, and that there was one for which he apprehended he should have to write out—he had no objection to the production of the papers. On the 9th of April he complained that some returns respecting the Admiral's orders had not been presented. Upon the 23rd of May, upon the vote for head-money, he asked for information; and in reply to his hon. Friend the Member for the West Riding (Mr. Cobden) the First Lord of the Admiralty stated—

> "That ships were sent specifically for the purpose of this expedition by Sir Francis Collier, the admiral on the station. The orders under which they acted were, to be exceedingly careful as to the parties whom they attacked; but his impression was that the hon. Member had misunderstood the order."

On the 12th of July the right hon. Gentleman said that he

> —"had another explanation to offer. The hon. Member for Montrose had moved for the naval instructions under which the parties acted, and it

worse, to mix up professions of religion and adhesion to Christianity with the massacre. If the country had not moral force enough to compel this inquiry, then let it cease its comments on other countries, in whose eyes the people of England wished to set themselves up as examples of morality, magnanimity, and all the other virtues.

Sir FREDERIC THESIGER said, that if the proof of that which was the main question in this case had not been fully established throughout the whole of the debate, he should have called the attention of the House to the clear and distinct evidence before them, to prove the fact that the tribes of Sarabas and Sakarran were unquestionably pirates; and as the hon. Member for the West Riding (Mr. Cobden) called triumphantly for any evidence on the subject, he wished to press upon their attention the important fact, that on two occasions this very question had been the subject of judicial inquiry and determination. In 1844, upon a question arising as to the right of the crew of the *Dido* to receive head-money, in respect of the engagement that took place under the command of Captain Keppel, the point was raised, under the 6th George IV., of whether the tribe of Sakarran were pirates or not? The learned Judge who presided on that occasion was well known to be a person whose feelings revolted at deeds of cruelty and oppression, and would have been indignant to repel any attempt to fasten the crime of piracy on this tribe for any interested object. The Queen's Advocate raised the question of whether they were pirates or not, and the learned Judge pronounced that the proof against them was conclusive. Upon the occasion of the proceedings of the 31st July, 1849, the same question arose before another learned Judge. Deposition after deposition was produced, and it was proved distinctly to the mind of every dispassionate person that the tribes of Sarebas and Sakarran were pirates. He rested upon these two important decisions, in which the question had been most distinctly raised; and the hon. Member for the West Riding must be hard to be satisfied if he did not take them as conclusive proof of the fact. An objection to what took place on the 31st July, 1849, was raised by his right hon. Friend the Member for the University of Oxford (Mr. Gladstone), and he was anxious that it should not go forth upon his high authority that any doubt could exist as to the legality of these proceedings. The right hon. Gentleman said, that an Act of Parliament having passed, in 1837, which reduced the punishment for piracy from a capital punishment to transportation, it was therefore not lawful to put pirates to death unless they resisted; and he said, that although there were several vessels engaged in this enterprise, there were only a few of them that made any resistance, and therefore it was not lawful for Her Majesty's forces to do more than to seize on those vessels that were not actually engaged in resistance. He should have thought, that, where a number of boats or vessels were engaged in one common enterprise, and a portion of them offered resistance, that would be quite sufficient to warrant an attack on the whole of them. But he would concede for a moment that this was not a lawful course to pursue. The general rule with regard to pirates was, that they were enemies of the human race, and might be exterminated for the purpose of protecting peaceful commerce; but the law in England with regard to piracy was different, under the 6 George IV., which, for the encouragement of the suppression of piracy, gave head-money in respect of every person engaged on board any piratical vessel. But, said his right hon. Friend, the Act of 1837 reduced the punishment from death to transportation. He (Sir F. Thesiger) should have considered that his right hon. Friend might, however, at once have supposed that this punishment was not applicable to Malay and Sarebas pirates. That Act applied to British subjects; and it would be most extraordinary to think of transporting the subjects of another country under the provisions of an English Act of Parliament. Therefore, the Act of 1837 could not interfere with the relation, as it had been called, in which pirates stood to peaceable persons, as they were still the enemies of the human race, still liable to all the consequences incurred by those who committed unlawful and criminal acts; therefore, on the 31st July, 1839, it was competent to the forces under Sir James Brooke to put them down in any way, and they were not called on to endeavour to capture them, in order that they might be transported, under a British Act of Parliament, from Great Britain to such parts beyond the seas as Her Majesty should think fit to direct. He thought the observations upon piracy had by this time been entirely exhausted, and he trusted that these most insidious accusations, pertinaciously and unrelentingly persevered in, would at last be put an end to by a triumphant majority against the Motion.

COLONEL THOMPSON said: It has become almost necessary that those who intend to vote with the Member for Montrose should state the reason why. So far as I may put myself forward as a representative of that class, and because I have not been entirely without the habit of considering conflicting evidence, I must say, that I no more believe in the existence of Dyak pirates in Borneo, than of dragons in Cappadocia. Who likes, may enact St. George; but I don't believe in the Dragon. In my honest and simple conviction, the evidence that has been brought into this House is convincing and overwhelming on the side of the Member for Montrose. Honourable men are found expressing their gratitude, that they had not been compelled to take an unwilling share in these transactions. The evidence from all quarters is overpowering, that these were not the men who were the pirates. I cannot congratulate hon. Gentlemen opposite on the perspicacity they displayed when they so mirthfully cheered the statements of the Member for Montrose; for he was in the act of showing that the accounts of the men who were in the habit of piracy, were entirely different from the description of those who had been slaughtered. It was as if he had described the cuirasses and helmets of the Life Guards in yesterday's procession, for the purpose of demonstrating that the slaughtered Dyaks were not they. But I know how little chance there is of opposing a deed of blood; all I ask, therefore, is that we may have a fair chance of seeing our names printed in a division list for the use of our constituents and the country.

MR. FORSTER said, that if some hon. Gentleman considered that the Dyaks of Borneo were not pirates he could only tell them that the merchants, shipowners, sailors, and underwriters of this country entertained a very different opinion. He had applied to the Committee of Lloyd's for information on this subject, and he held in his hand a list supplied by that committee, and signed by the secretary, mentioning between thirty and forty vessels which had been captured and plundered, the crews in many cases having been murdered. [An HON. MEMBER: Where?] The return was entitled a list of vessels which between the 15th of August, 1839, and the 28th of February, 1851, had been attacked, captured, plundered, or in any way molested by Malay or Dyak pirates. The hon. Member for Montrose had referred very triumphantly to a letter which had been addressed to him by certain traders at Singapore. He (Mr. Forster) had received a copy of that letter, and had made some inquiries respecting it, and he could inform the House that the first name on the list was that of a gentleman connected with a house in London, by whom he (Mr. Forster) could say on the best authority that that gentleman's proceedings were entirely disavowed.

MR. HUME replied. The gentleman (Mr. Carr) whose name had just been referred to, had not at all altered his opinion, and was ready to come forward and give evidence to-morrow.

MR. FORSTER said, he had referred to the house with which the gentleman was connected.

MR. HUME said, the gentleman had been a resident at Singapore twenty-three years, and the house with which he was connected had nothing to do with the matter, for none of them had ever been abroad. The hon. and learned Member for Abingdon (Sir F. Thesiger) considered that it would be absurd for an English Act of Parliament to be applied to the transportation of the inhabitants of Borneo. Now, by a treaty made with the Sultan of Borneo in 1847, power was given to Her Britannic Majesty to enter the rivers and creeks within his dominions, in order to capture all vessels engaged in piracy, and reseize and reserve for the judgment of the proper authorities all parties offending against the two contracting Powers. This was the law, and it appeared that the hon. and learned Member was ignorant of this treaty. The hon. Member for West Surrey (Mr. Drummond) had alluded to an individual whom he described as the malignant cause of all these proceedings; and in a former debate it was stated that Mr. Wise had taken possession of certain papers belonging to Sir James Brooke, and used them. Now the fact was, as Messrs. Chapman and Hall, the publishers of Captain Keppell's book, declared, that Mr. Wise, having undertaken the revision of the second edition of the work at Captain Keppell's request, they transmitted to him a box containing certain manuscripts of Sir James Brooke, in order to enable him to do so. Whatever might be the decision of the House, everything that had taken place during the present discussion had convinced him of the accuracy of his information, that 500 persons had been destroyed under the allegation that they were pirates, when there was no proof of such being the fact.

Question put.

The House divided:—Ayes 19; Noes 230: Majority 211.

List of the Ayes.

Bell, J.
Buxton, Sir E. N.
Cobden, R.
Crawford, W. S.
Ellis, J.
Greene, J.
Hastie, A.
Henry, A.
Heyworth, L.
Lushington, C.
M'Gregor, J.
Robartes, T. J. A.
Smith, J. B.
Thompson, Col.
Thompson, G.
Walmsley, Sir J.
Willcox, B. M.
Williams, J.
Williams, W.

TELLERS.

Hume, J.
Urquhart, D.

List of the Noes.

Abdy, Sir T. N.
Acland, Sir T. D.
Adderley, C. B.
Anson, hon. Col.
Armstrong, Sir A.
Armstrong, R. B.
Bagshaw, J.
Bailey, J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Bateson, T.
Bellew, R. M.
Bentinck, Lord H.
Beresford, W.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Birch, Sir T. B.
Blair, S.
Blandford, Marq. of
Bowles, Adm.
Boyd, J.
Boyle, hon. Col.
Bramston, T. W.
Brisco, M.
Brocklehurst, J.
Brooke, Lord
Brooke, Sir A. B.
Bruce, C. L. C.
Buller, Sir J. Y.
Burrell, Sir C. M.
Burroughes, H. N.
Butler, P. S.
Cabbell, B. B.
Campbell, Sir A. I.
Cardwell, E.
Carew, W. H. P.
Castlereagh, Visct.
Cavendish, hon. C. C.
Cavendish, W. G.
Cayley, E. S.
Chaplin, W. J.
Christy, S.
Clay, J.
Clements, hon. C. S.
Clive, hon. R. H.
Cochrane, A. D. R. W. B.
Cockburn, Sir A. J. E.
Cocks, T. S.
Conolly, T.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, R. W.
Crowder, R. B.
Davie, Sir H. R. F.
Davies, D. A. S.
Dawes, E.
Dawson, hon. T. V.
Denison, E.
Dick, Q.
Divett, E.
Douglas, Sir C. E.
Douro, Marq. of
Drummond, H.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, G.
Dundas, rt. hon. Sir D.
Dunne, Col.
Ebrington, Visct.
Edwards, H.
Elliot, hon. J. E.
Estcourt, J. B. B.
Euston, Earl of
Evans, J.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. A.
FitzPatrick, rt. hon. J.
Forbes, W.
Forster, M.
Fortescue, C.
Fox, S. W. L.
Freestun, Col.
Gilpin, Col.
Gladstone, rt. hon. W. E.
Glyn, G. C.
Goddard, A. L.
Goold, W.
Gordon, Adm.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grogan, E.
Grosvenor, Lord R.
Grosvenor, Earl
Gwyn, H.
Hallyburton, Lord J. F.
Hamilton, G. A.
Hamilton, Lord C.
Hanmer, Sir J.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Hayes, Sir E.
Headlam, T. E.
Heald, J.
Heneage, E.
Heywood, J.
Hill, Lord E.
Hodges, T. L.
Hodgson, W. N.
Hogg, Sir J. W.
Hollond, R.
Hotham, Lord
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Hutchins, E. J.
Hutt, W.
Inglis, Sir R. H.
Johnstone, Sir J.
Jones, Capt.
Kerrison, Sir E.
Kildare, Marq. of
Knox, hon. W. S.
Labouchere, rt. hon. H.
Langston, J. H.
Langton, W. H. P. G.
Lawley, hon. B. R.
Lennard, T. B.
Lennox, Lord A. G.
Lewis, G. C.
Lindsay, hon. Col.
Littleton, hon. E. R.
Lockhart, A. E.
Lygon, hon. Gen.
Mackenzie, W. F.
Mandeville, Visct.
Manners, Lord C. S.
March, Earl of
Matheson, Col.
Melgund, Visct.
Meux, Sir H.
Milner, W. M. E.
Milnes, R. M.
Milton, Visct.
Mitchell, T. A.
Moody, C. A.
Morgan, O.
Morris, D.
Mostyn, hon. E. M. L.
Mullings, J. R.
Mundy, W.
Murphy, F. S.
Naas, Lord
Napier, J.
Newdegate, C. N.
O'Brien, J.
O'Brien, Sir L.
O'Connell, M. J.
Ogle, S. C. H.
Owen, Sir J.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Peel, Col.
Pennant, hon. Col.
Perfect, R.
Pigot, F.
Pilkington, J.
Pinney, W.
Plowden, W. H. C.
Plumptre, J. P.
Price, Sir R.
Prime, R.
Pugh, D.
Pusey, P.
Renton, J. C.
Repton, G. W. J.
Ricardo, O.
Rice, E. R.
Rich, H.
Rushout, Capt.
Russell, Lord J.
Russell, F. C. H.
Scholefield, W.
Scobell, Capt.
Seaham, Visct.
Seymour, Lord
Smyth, J. G.
Smythe, hon. G.
Smollett, A.
Somerset, Capt.
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanley, hon. W. O.
Stansfield, W. R. C.
Strickland, Sir G.
Stuart, J.
Talbot, C. R. M.
Tancred, H. W.
Taylor, T. E.
Thesiger, Sir F.
Thicknesse, R.
Thompson, Ald.
Towneley, J.
Trevor, hon. T.
Tufnell, rt. hon. H.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Verney, Sir H.
Vyvyan, Sir R. R.
Walsh, Sir J. B.
Walter, J.
Watkins, Col. L.
Wellesley, Lord C.
Westhead, J. P. B.
Whiteside, J.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wortley, rt. hon. J. S.
Wynn, H. W. W.
Young, Sir J.

TELLERS.

Hayter, W. G.
Grey, R. W.

House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, July 11, 1851.

Minutes.] Public Bills.—1ª Inhabited House Duty; Public Works, Fisheries, &c.; Public Works (Ireland); Chief Justices Salaries; Canada and New Brunswick Boundary.
2ª Saint Albans Bribery Commission.
3ª London (City) Sewers.

BUILDING FOR THE EXHIBITION OF THE WORKS OF INDUSTRY OF ALL NATIONS.

Lord BROUGHAM presented a petition from Mr. Joseph Paxton, of Chatsworth, an individual of many and great merits, and one of the highest authority upon all matters connected with the science of horticulture, but also well known for other acquirements. When that individual asked him to present his petition, of which the object was to prevent the taking down of the Crystal Palace, he told him that he (Lord Brougham) was the last person who ought to present such a petition, as he had taken a prominent, though a very ineffectual, part in objecting to the Exhibition being placed in Hyde Park. It was a gross mistake to represent that he was against the Exhibition itself; on the contrary, he had been highly favourable to it, believing it to be not only of national, but also of European utility. He had, however, opposed the erection of any building for the purpose in Hyde Park, because he believed that any such structure would be an encroachment on one of the spiracles of London, and because he thought there would arise a question as to the legality of that encroachment; and he strongly objected to the course taken by the present Master of the Rolls, then the Attorney General, in intercepting an application to the Courts on the subject. It was unnecessary for him to enter on this occasion into the questions which had been raised upon that point during the last Session of Parliament, and upon which he retained his former opinion; but what he had already mentioned made it necessary for him to state at some length the objects of Mr. Paxton's petition, in order that that gentleman might be convinced that he was not prejudiced by the opinions which he had previously expressed on this subject. Retaining as he did his former opinions, it might appear to some that he was prefacing his statement of Mr. Paxton's petition by an argument against it; but he reminded their Lordships that there was a great difference between the question of placing the Crystal Palace in Hyde Park before it was erected, and the question of taking it down now that it was erected. He thought that nothing could be more useful to this great metropolis than to retain the Crystal Palace as a great horticultural garden for the recreation of the people. In that point he fully agreed with his friend Mr. Paxton. He likewise concurred with him in thinking that the retention of the Crystal Palace would also be beneficial to the instruction of the people by the collection of plants, minerals, birds, and animals which might be deposited there, and by the transfer from the British Museum of the numerous specimens illustrative of natural history which were now either hidden in its vaults or perishing in its apartments from the want of proper ventilation. Mr. Paxton had no doubt that, for a much less sum of money than that which was already at the disposal of the Commissioners, the whole arrangements for converting the Crystal Palace into a museum and winter park and garden under glass might be carried into effect. He was also of opinion that the different museums which might be formed under its roof would remain sufficiently stable with very little additional expense, and that by an annual payment of a small sum the current expenses of the park and garden might be well provided for. Mr. Paxton, therefore, implored their Lordships to protect the Crystal Palace from destruction, and from what was tantamount to destruction—removal. It would be premature for him (Lord Brougham) to say that he had made up his mind on this question. Mr. Paxton called for immediate decision. He (Lord Brougham) only called for inquiry into the subject of Mr. Paxton's petition. He only wished for a full and fair investigation of the claims which some parties made to have this magnificent structure removed, or, what he believed to be the wish of a majority of their fellow-countrymen, to have it retained. There might be some difficulty arising out of the pledge given by the Royal Commissioners to the Commissioners of Woods and Forests that it should be removed within a certain time; but he thought that it would not be difficult for one branch of the Government to procure from another a release from that pledge. Besides, public opinion set in a strong tide in that direction. After this Exhibition had succeeded beyond any man's expectation, and after the people had become absolutely enamoured of the building, he must say that, if the same people were to turn round and cry out, "Let us have it removed—let it no longer cumber the earth—break it up, smash it to pieces," they would give the world an exhibition not only of the industry of all nations, but of the fickleness of the most fickle of all nations, showing that if they had less refinement, they had more levity than the Athenians themselves; breaking in pieces their great toy as soon as they had begun to play with it. He had already declared the high opinion which he entertained of Mr. Paxton's eminent merits. He called Mr. Paxton a public benefactor, on account of the inestimable benefits which he had conferred upon the Exhibition itself. He retained the opinion which he had originally expressed respecting the Exhibition, namely, that though it might be beneficial to the country at large, it would not be without injury to the shopkeepers and retail dealers of the metropolis. He believed that they had already suffered considerably. He was, however, convinced that their sufferings would be put an end to if the Crystal Palace were converted from an exhibition into a winter garden. He repeated his conviction that Mr. Paxton was a public benefactor; for without Mr. Paxton and his Crystal Palace the Exhibition neither would nor could have taken place. He gave the Royal Commissioners the greatest credit for having adopted so immediately the plan of that gentleman, for he must say that when his excellent friend first submitted it to his consideration—and he believed that he (Lord Brougham) was one of the first persons—if not the first—to whom it had been submitted—he examined the plan, and declared his opinion that it was favourable; but advised Mr. Paxton to hasten before the Commissioners, and not be suprised if they deemed it fanciful; because, though he (Lord Brougham) had long ago erased the word impossible from his vocabulary in all proposed improvements of science and art, more practical men might not take the same view. However, he must fairly admit that the Commissioners showed the greatest liberality and the most judicious spirit as well as acuteness in so easily adopting the plan. Indeed their whole conduct had been most praiseworthy, and he also must, in passing, bear his testimony to the good conduct and mild proceedings of the police, and of the Chief Commissioner, Mr. Mayne. But he now came before the House not only as presenting the petition—he (Lord Brougham) had the honour of presiding over a very important society—he meant the Society for the Diffusion of Useful Knowledge. That society, acting upon the views on which it was instituted, would probably present a petition in favour of the same object as that of the petition which he then had the honour of presenting. They regarded the Crystal Palace as an ally of their friend the schoolmaster, against their enemy the gin palace. The delight which the people of late years had been taking in innocent amusements would draw tens and hundreds of thousands to contemplate the stores of instruction which would soon be congregated in that beautiful structure—stores which would not only please but enlighten them, and which would be remembered with enthusiasm, even when they were withdrawn from their sight. He had been told that more than two millions and a quarter of persons had already passed through the Crystal Palace, and that of that number only a quarter were foreigners, the rest being, for the most part, the tradesmen and operatives of this metropolis, and those, too, not of the lowest classes. He only wished more of the lower classes had enjoyed it. He could not but remember the answer which his lamented friend Dugald Stuart had once given, when he (Lord Brougham), with other friends, now no more, Lord Webb Seymour and Mr. Horner, who had been actively engaged in circulating a practically useful work among the poorer classes of this country, and who had apologised for the bad paper on which the work had been published — which, perhaps, his noble Friend opposite (the Marquess of Lansdowne) would remember too—"I only wish your paper and printing had been ten times worse"—and worse it could not easily be—"if it would have given to your object wider circulation." So would he say with regard to the Exhibition. He had been told, that upon an average, 2,500*l.* a day had been taken from the persons who went to visit the Crystal Palace. He would much rather that the proceeds of the Exhibition had been only 200*l.* a day, provided that amount had been taken in pence. He hoped at any rate that, before the Crystal Palace was destroyed, due inquiry would be made into the subject-matter of this petition.

Lord CAMPBELL said that, in his humble opinion, this Crystal Palace, the wonder of the world, might disappear without any reproach to the Royal Commissioners, and without any charge of fickleness against the public, as it had already fulfilled and was fulfilling its destiny in the most admirable manner. Though his noble and learned Friend had with his usual ingenuity stated both sides of the question, he had, like other advocates, been carried away by his zeal for his client, and, from a fear lest he should be thought not to be doing full justice to his interests, had somewhat blinked and distorted his own former opinions. His (Lord Campbell's) conviction was, that for the honour and glory of Mr. Paxton, and of all concerned in the Crystal Palace, it would be much better for them not to run the risk of failure now, and the certainty of incurring the charge of broken faith hereafter, by embarking in any such scheme as had just been propounded to their Lordships. He most fully concurred in all the many eulogies which his noble and learned Friend had bestowed on Mr. Paxton. Mr. Paxton was an honour to his country. He would not say a word against the Exhibition. It was one of the most wonderful, if not the most wonderful spectacle, that the world had ever beheld. It success had been splendid and unexampled. His noble and learned Friend had said that two millions and a quarter of persons had visited the Crystal Palace. He (Lord Campbell) believed that the number of visitors to it had been still larger, and that all who went there had received information, and had had their minds enlarged. He believed that the Exhibition itself had been and would be of the greatest benefit to our manufactures. He believed that it would promote the cultivation of the fine arts. He believed that it had had, and would have, a tendency to harmonise and civilise the world by bringing together in friendly intercourse all the nations of the globe. The idea and execution of it conferred the highest glory on his Royal Highness Prince Albert—it had secured to him the admiration, confidence, and love of his adopted country. He applauded the conduct of the Royal Commissioners, and more especially that of his noble Friend (Earl Granville), the Vice-President of the Board of Trade, who had shown such industry and good temper in superintending the arrangements of the Exhibition. But, after all, the question before the House now was simply this:—"What ought we to do with the Crystal Palace?" He concurred in the general feeling that that palace was one of the most striking and interesting features of the Exhibition; but the question was, whether their Lordships should make a vain attempt to continue as a permanent building that which was only erected for a temporary purpose? The fame of the Exhibition would be eternal, but the structure in which it was displayed was but frail and transient. Even his noble and learned Friend had some misgivings as to the structure. Perhaps Mr. Paxton had none; but then he was a man of genius, and like all other men of genius did not see any of the difficulties in his way. Why, Mr. Paxton had actually wanted to have admission to the Exhibition free, and a grant of public money for its expenses; and had declared that otherwise it could never succeed, which showed that his opinions were not to be implicitly depended upon. Now, indeed, Mr. Paxton saw no difficulty in preserving the Crystal Palace. But he (Lord Campbell) had been informed by persons who had due information on the subject, that the first step which must be taken to preserve the Crystal Palace, must be to take it down and rebuild it. For what was the fact? Only one-third of the uprights which supported it were of iron; two-thirds of them were of wood. The roof was of wood and glass. The girders were of wood, and would not stand beyond the present summer. Therefore, if the building were to be a permanent one, it must first be taken down and afterwards reconstructed. We were, therefore, in the same situation as if we had now to consider for the first time whether we should build it. The expense of the reconstruction would be enormous, and whence the money was to come from Mr. Paxton had not been kind enough to inform them. Supposing, however, that the building was to be continued, let them now consider to what purpose this building was to be applied. The journals were one and all for converting it into a museum, and for transferring to it the treasures of natural history now contained in the British Museum. Now, he had himself seen the Crystal Palace, and knew its capabilities; and Mr. Paxton had told him personally that it was not fitted to become a museum. Then his noble and learned Friend opposite said, "It is to be an aviary and a menagerie." Then it was to be a depository for minerals, and models of small improvements, and all the German improvements, of which some of their Lordships had expressed such horror. But none of these objects were the objects of Mr. Paxton, for his friend Mr. Paxton—and he, too, was proud to call Mr. Paxton his friend —had told him, and not in confidence, that his only object was to create a winter park and garden under glass in this metropolis. The petition of Mr. Paxton was nothing more than a copy of the pamphlet which he had published under the title of "What is to become of the Crystal Palace?" Now, if he looked to that pamphlet, he found it stated that the Crystal Palace was to be continued for the formation of a new and better climate in our own—"one which, even under opposite influences, may be rendered healthy and suited to the wants and requirements of man." Mr. Paxton further said—

> "It is desirable that something on a large scale should be done to counteract the effects of the outer air, which, in this country, and in the neighbourhood of London especially, is often, during many months in the year, impure, murky, and unfit for healthy recreation and enjoyment; and it is to meet this want that I offer the present recommendation. All hitherto erected structures, however great and noble some of them are, fall far short of answering this end, and I cannot but recommend, now that we do possess a building like the Crystal Palace, which in its dimensions is the best adapted for such a purpose of anything that has been hitherto attempted, that it should be so appropriated."

He would read to their Lordships another sentence from that pamphlet, which would show not only that Mr. Paxton was a great architect and horticulturist, but that he could also be when the occasion required it, a consummate poet, for he wrote thus:—

> "In the winter park and garden I propose, climate would be the principal thing studied; all the furnishing and fitting-up would have special reference to that end, so that the pleasures found in it would be of a character which all who visit could share; here would be supplied the climate of Southern Italy, where multitudes might ride, walk, or recline amidst groves of fragrant trees; and here they might leisurely examine the works of nature and art, regardless of the biting east winds or the drifting snow."

It was clear, from these passages, that Mr. Paxton did not propose that the Crystal Palace should be continued for the purpose of future exhibitions, but for the purpose of erecting bowers, in which our tradesmen could be supplied with "the climates of Southern Italy," and might be able to disregard "our biting east winds and our drifting snows." But his excellent friend, Mr. Paxton, had not told their Lordships how they were to get all these advantages. Our countrymen must encounter the "biting east winds," if they trudged on foot to the Crystal Palace, and must be saluted by rude Eurus Boreas as they trudged on foot from it. In the midst of our "drifting snows," too, how were our middle classes to get there and back again? They must be drenched before they could get to the sunny climate of Southern Italy, and, after they had got well dried there, they must be drenched again before they could reach their homes. The rich, indeed, might drive there and back in their carriages; but, while they were breathing all the amenities of an Italian climate, were their servants and their horses to be exposed to all the injuries accruing from "biting east winds and drifting snows?" "These my Lords," said Lord Campbell, "are the dreams of an able but enthusiastic man, who forgets all the practical difficulties and inconveniences with which he has to contend. For my own part, I prefer the trees, and water, and air, which I have been accustomed to enjoy in Hyde Park, to all the foreign luxuries with which Mr. Paxton would provide me." How was the expense of all these luxuries to be defrayed? Did Mr. Paxton, or his noble and learned Friend opposite, expect that they would obtain from Parliament, for such objects, a grant of 100,000*l.*, in the first instance, and of 20,000*l.* a year for ever afterwards? No; they expected no such thing. Then money must be taken at the doors to defray such a costly experiment. People could not be admitted there without paying some small sum—say 6*d.*—for each admission. Then the poor would be entirely excluded from this winter park and garden, or museum, or whatever you may call it; and not only from that, but also from that Hyde Park which their fathers and their forefathers before them had enjoyed in full liberty. His noble and learned Friend opposite had spoken of the usefulness and kindness of the police employed in the Crystal Palace and its vicinity. He (Lord Campbell) admitted that in the fullest degree, and thought that Mr. Mayne deserved the thanks of the country for the excellent police arrangements which he had made. All the apprehensions which some persons had entertained—in his opinion, very unreasonably—about the occurrence of riot and disorder during the Exhibition, had turned out to be false and groundless; but, supposing the police were not present, what scenes of disorder would in all probability occur. The praise which the people had obtained on account of the decorum of their behaviour would no longer continue, and perhaps might be converted into reproach. Were their Lordships, then, prepared to continue in the Crystal Palace after it was converted into a winter garden the same additional amount of police which was employed there at present? and, if so, from what quarter were the funds to come out of which they were to be paid? When they considered that many thousands would be excluded from Hyde Park by the adoption of Mr. Paxton's scheme, and when they reflected that a great building would permanently remain there, after a direct pledge given to the vicinage that it should be removed within a given time after the close of the Exhibition, he thought that the neighbouring proprietors had a reason to object to this newfangled project. The Crown had refused to grant to the public a small slip of land in Hyde Park when it was wanted as the site for a new church, and would they now grant many acres to it when it was only wanted for the purposes of pleasure? He had now to mention the inconvenience which had been felt by a large neighbourhood in consequence of the presence of the Exhibition in this part of Hyde Park. It had not been felt so seriously as was originally apprehended, but still it was a serious inconvenience. The inhabitants of that district did solemnly, through his mouth, protest against the continuance of that grievance. A solemn compact had been made on the point between the Royal Commissioners and the Commissioners of Woods and Forests. The neighbourhood of Hyde Park was interested in the due observance of that compact, for a solemn pledge was given to them that as soon as the Exhibition was over the building in the Park should be removed. That pledge could only be done away with by the operation of an Act of Parliament. Such an Act might render that lawful which was now unlawful; but it could not obliterate the moral obligation entered into at the time. Those who petitioned against the building were first of all defeated in the House of Commons, and afterwards, when they wished to appeal to the courts of law, were told, "No, you shall not; we cannot give you permission to set aside the decision of the House of Commons." He was willing, to use a phrase of his own country, "to let bygones be bygones;" but he implored their Lordships, for God's sake, not to repeat the injury which had been already inflicted upon them. He contended that the Crystal Palace had already fulfilled its object. He trusted that Mr. Paxton would not taste of death until he had received some public testimony and reward for his valuable services; but he must regret that he had made this attempt to prolong the existence in Hyde Park of that which, splendid as it now was in appearance, was still an inconvenience and an injury to the neighbourhood. For these reasons he hoped that the petition of Mr. Paxton, that their Lordships would interfere by legislation in this matter, would not meet with their Lordships' approbation.

Earl GRANVILLE would not have addressed their Lordships on this subject at all had not a petition from the inhabitants of Ashburton been put into his hands since he entered the House that evening, with the same prayer as that of Mr. Paxton's petition. Those respectable persons were not aware that from his position as one of the Royal Commissioners he was the very last man to be intrusted with such a petition. The Commission of which he was a member had no discretion whatever on this subject. They were bound to redeliver Hyde Park to the Commissioners of Woods and Forests within a given time after the close of the Exhibition. The subject of retaining the Crystal Palace had never been discussed by the Commission; he only knew the private opinion of three or four of the Commissioners on the subject, and they were not unanimous. He was glad that he was not called on to give a vote on this question. Certainly it was for the credit, and he might also add for the comfort, of the Commissioners, that the Crystal Palace should be destroyed. If he had been called on to give a vote, he should have weighed to the best of his ability the advantages and disadvantages on both sides of the question. As for himself, he was inclined to think that a winter park and garden would be a wholesome and desirable luxury for the inhabitants of the metropolis. The strongest point which could be urged against it was the feeling of the gentlemen who occupied the houses opposite to the building; they might exaggerate the inconvenience to which they would be exposed under the scheme of Mr. Paxton; but upon that point he would give no opinion now. He might perhaps be permitted to concur in the eulogy which had been bestowed on the excellent conduct of the police, and to say that the Commissioners were most anxious to acknowledge the obligations which they felt themselves to be under towards Mr. Mayne, and the police generally. He was happy to add, that great facilities had been rendered to the police in the execution of their difficult duties by the exemplary conduct of the people. It was a great satisfaction to him to have heard Mr. Paxton spoken of in the terms which had been used by his two noble and learned Friends. There was, however, one eulogy which his noble Friend the Lord Chief Justice had passed upon Mr. Paxton in which he could not concur, and that was his eulogy on Mr. Paxton's poetical talents. He thought that his noble and learned Friend had, in his speech of that evening, proved himself far superior to Mr. Paxton in poetical talent, when he spoke with so much gusto of the trees, and water, and air of Hyde Park, and the luxurious amenities of an English summer; and if he had shown himself not less poetical in what he had said respecting the police employed, and the nature of the materials of which the building was erected; yet he (Earl Granville) must be permitted to say, that it appeared to him that his noble and learned Friend had most wofully neglected the opportunity which his residence in the vicinity of the Crystal Palace had given him, to watch from day to day over its construction. Had he been more attentive to its construction, he might perhaps have escaped some of the errors into which he had fallen that evening.

LORD BROUGHAM said, that the noble and learned Lord had not given the least answer to his statement, and had not with quite his usual fairness summed up the evidence in the case. With respect to the matter of finance, into which he (Lord Brougham) had abstained from entering, there would be no difficulty, for there was already a large surplus in the hands of the Commissioners. Then, with respect to the enjoyment and recreation of the people in a winter garden, it was not proposed that the atmosphere should be of a sultry heat, but temperate; and when the noble and learned Lord described the sufferings of the servants and horses of the wealthy waiting outside in bad weather, had it never struck the noble and learned Lord, that, whatever the learned Judges might do, their Lordships were generally in the habit, under such circumstances, of sending home their servants and cattle, to return only when wanted? He concurred in what the noble Lord had said with respect to the conduct of the multitudes who had visited the Crystal Palace. He was one of those who, undoubtedly, had not at one time thought it a safe experiment to congregate on one spot hundreds of thousands of people from all quarters of the town; but, partly owing to the admirable conduct of the police, to whom great credit was due, and still more to the admirable conduct of the people, all those apprehensions had proved without foundation. With regard to Mr. Paxton, he looked upon that gentleman as a great public benefactor, and it was to be hoped and trusted that he would not be added to the number of those who, before they tasted death, tasted the public ingratitude.

Petition read, and ordered to lie on the table.

CONVOCATION.

LORD REDESDALE, who had given notice of his intention to move for a Copy of a Petition from the Clergy and Laity of the province of Canterbury, presented to both Houses of Convocation on the 5th of February, 1851, said, he rose with considerable diffidence to deliver a few words on the subject of his Motion. He should have left a subject of this importance to be introduced to their Lordships by those more competent than himself to undertake the task; but it was just one of those subjects in respect to which many persons felt reluctance to come forward, and yet it was one to which, in the present state of the Church, it was necessary that the public mind should be directed. It was for this reason, and because others did not come forward—and his own convictions on the subject were strong—that he had ventured to take the duty upon himself. He was persuaded that at all events he was fortunate in the place in which the question was to be discussed, being confident that however many of their Lordships might disagree with him in that assembly, at least everything said, and the manner in which the subject would be treated, would be perfectly temperate, and only with a view to promote the advantage of the Church. In the form in which he had brought forward the Motion, he hoped it would be observed that he had avoided committing any one to any decided opinions. All he had desired to secure was a discussion; and in so doing he desired to do nothing which could pledge their Lordships to any particular course. He hoped that it would be enough to excuse himself for having brought forward the question, that it was necessary to disabuse the public mind on the subject of the synodical action of the Church, and to bring the question fairly before them, so that they might see what was to be said for it, and what against it. An impression had grown up in the country that convocation, or the synodical action of the Church, had somehow been given up as impracticable; and, after four generations, and more than one hundred and thirty years, during which no convocation had met for the despatch of business, people in this country were living under the idea that such a thing was not to be thought of; and this was the reason why so little feeling had been hitherto excited about it. But the present state of the Church, and the position in which many questions connected with it stood, had gradually raised in many persons' minds a conviction that matters could not remain as they were—that there were many circumstances exceedingly unsatisfactory and dangerous—and that unless something were done, and matters were put into a more settled state on many points, the Church was not safe, and that there was the greatest danger to our constitution in Church and State. He repeated, it was necessary that something should be done, on account of the position in which matters at present stood. The Church appeared to be governed, and was governed, in fact, by extreme parties; and it must be so wherever there was no regular system of representation in any body. This was very observable during the time when Parliament was not sitting, when violent men came forward, and were able to create an impression that they were of far greater importance than they really were—an impression which they could not maintain while Parliament was sitting, and the regular representatives of the people were assembled. So it was in the Church. Quiet, moderate men would not go upon the platform; it was contrary to their principles and feelings; and all that came before the public on the subject of the Church was in the hands of extreme parties; and so an impression had gradually grown up, which was really unfounded, that these parties really represented the feeling and condition of the Church; and that the divisions in the Church were as great, as numerous, and as decided as they were represented by these extreme parties to be. He believed the reverse of this to be the case, and that if on inquiry an expression of opinion could be obtained on the part of the majority of the clergy and laity, more unanimity would be found of faith and belief than many persons supposed; nay, that among the majority little essential difference of opinion existed, and that great numbers of those who believed that there was now serious diversity of opinion, if they could be brought together in an assembly in which they would have a right to speak and vote, and power of action on the subject, would find their difficulties and differences far less than they supposed. If such were the case, was it not desirable that an opportunity should be afforded for obtaining the expression of such opinions? Unless this were done—unless, by means of convocation, the Church herself were enabled to speak, her representation would remain in the hands of those unauthorised parties who were ready to speak violently in one extreme or the other. Let him, then, consider the objections against the proposed revival of convocation. Was it contrary to the law and constitution of the country, or to the habits of the people? So far from its being contrary to the law and constitution, it was an ancient and essential part of the constitution, which by an extreme exercise of Royal power had now been kept for more than one hundred and thirty years in abeyance. And so far from its being opposed to the habits of the people, the very reverse was the case, for every other religious body except the Church of England had its religious assemblies or synods, which answered many ends of great utility and advantage. Nor was this the case only in nonconformist and unestablished sects; it was equally so in the Established Church of Scotland, which had its regular system of synods; and nothing would be more likely to rouse the respectable people of that country into rebellion than the suppression of its synodical action. The Church of England alone was deprived of an advantage enjoyed by every other religious community in the empire, and which she herself had anciently enjoyed in her Convocation. The present constitution of Convocation, he considered, was a very faulty one; and throughout the whole country there was hardly any one who was not sensible of the necessity and propriety of some change in it. If, however, it should be thought expedient that the Church should be represented in a body of that kind, it would be necessary that the present Convocation should be allowed to assemble for the purpose of discussing and determining the matter; for if the constitution was to be changed, that body itself must change it—it was impossible for other bodies to do it. It was, however, objected, that if they met, nothing would ensue but a series of violent discussions without any practical result. He (Lord Redesdale) did not think that it would give rise to anything like the amount of heat that was displayed in Parliamentary debates — on the contrary, he believed that all discussions on such subjects would be carried on in a manner creditable to the body itself; and the general tone of public feeling at this moment was that which would secure such a result. But admitting that there would be disputes, were there not disputes now? Did the Church stand free from that objection at the present moment? Certainly not; and from the circumstance of all public discussion regarding the Church being in the hands of violent partisans at the present moment, the questions were not treated in the manner that he wished to see them. In all such matters, if the questions were left to a regular discussion by practical men, with a practical object before them, it would be found that the discussions would be conducted in a very different manner from discussions between persons who wished to secure particular party objects. Another objection was, that there would be a greater division between Churchmen and Dissenters, in consequence of the Convocation. That, however, was not the case when Convocation existed before. On the contrary, he believed that, although Convocation existed during the whole time of the Revolution, there were not more divisions between the body of the Church and those who were separated from it, than there were at the present moment. At the present moment, in the absence of the Convocation, there was perhaps as much bitterness of feeling between the Church and Dissenters as ever existed. Another objection was, that this was a movement started solely by the High Church party, and that the tendency of the Convocation would be favourable to what are called the Romanizing practices in the Church. Of all the charges that could be brought against Convocation, that was the one which could least hold good. He did not believe that the revival of Convocation would promote the Romanizing tendencies in the Church. Some of the parties to those Romanizing practices had been induced at different times to join in asking for Convocation, but in most cases to obtain a declaration of opinion on one particular question; and it was well known that most of them

Lord Redesdale

were very strongly opposed to its revival for general purposes. Any person who knew the real feeling of the Church of England must know that there was no Church existing upon earth that was more vehemently opposed to the Church of Rome than the Church of England, and there could be no surer way of putting down what were called the Romanizing tendencies in the Church, than by giving free action to that Church. The opponents of Convocation were found in a great measure amongst the extreme of both parties, because neither of them liked the assembly of a body which would give a triumph to moderate people. Another objection had been raised that the Convocation would never be able to conclude anything in matters of dispute. All assemblies of that sort were more or less open to objections of this nature; and, indeed, it was not desirable that questions of serious importance should be readily or quickly decided in bodies of this kind. The matters likely to be introduced were things upon which people were apt to take up prejudices before they came to the discussion, and it required some time before those prejudices could be removed. But he would remind their Lordships that the Council of Trent, which met to settle certain points, sat for many years, and after all did not come to any conclusion upon some of the questions which had been before them. The objection, therefore, did not apply peculiarly to a Convocation of the English Church, but applied generally to any body met for similar purposes, in which differences of opinion might arise. But the Church of England occupied a peculiarly strong position in discussions upon these subjects, because its sole resort for an ultimate decision upon all matters was the Word of God itself—that must be the basis of every argument which took place in the Church of England; and where inquiries were conducted seriously in that manner, he believed that the inquiry sooner or later must lead to practical and satisfactory results. It must be remembered, too, that where the Church of England had attempted to come to conclusions upon any important questions, their conclusions had generally been most satisfactory. By means of Convocation the Church of England held a most favourable position amongst all those connected with her; and if the Convocation had been continued instead of having been put an end to altogether, there would have been infinitely more unity of opinion in the Church, than there was at the present moment. A most important guard to the constitution and safety of the Church was, that no subject could be discussed without the expressed authority of the Crown; and the lay element thus introduced had a most beneficial effect. The discussions of Convocation were thus so much guarded as to prevent any danger arising of a nature to cause any serious alarm even in the minds of those who were most anxious for the safety and welfare of the Church. And not only was there this safeguard, but further, the Convocation could not alter any canon without the consent of the Crown; nor could it do anything against the common or Statute law; nothing could be done which would affect the laity in any way without the consent of the Crown. He would ask their Lordships, then, what apprehension could possibly exist in the mind of any one as to the meeting of a body so constituted? He would now direct their Lordships' attention to some of the evils which had arisen from a want of Convocation. In the first place, the Church had been completely paralysed, and after a certain time there arose in it that great movement which was known as the evangelical movement. That certainly was extremely useful to the Church; but it, at the same time, separated from her many men who were not indisposed to her. Take the case of Wesley himself. There was no man who had a stronger disposition towards the Church than Wesley; and if there had been any opportunity for a man like him to carry his own enthusiasm and religious zeal into the body of the Church, he never would have left it, but have given it the benefit of all his energies. Instead of separation, there would have been union; and the activity which he brought to bear upon the religious feeling of the county, would have been in every way beneficial instead of creating a schism. But, to come nearer our own time, we found that another great movement had taken place in the Church. That movement was one which those persons who took up a strong Church side were the first to commence, and no doubt the movement was a sincere one; but when people of a very enthusiastic and excitable turn took up extreme views, they necessarily required guidance. If they looked to the low Church and the lowest body of Dissenters, who conceived themselves most at liberty to form their own opinion on every religious subject, they would find with how much respect those persons were ready to look up to their favourite preachers and make Popes of them. If there had been church guidance at the moment when that party in the Church to which he alluded were trembling on the verge of those dangers into which they now had fallen, he believed the effect would have been most salutary and gratifying. They wished for direction upon various points, and could not get it, and the consequence was that some of them had left that Church in which they were brought up. There was a want of law about it. Many people wanted something certain in matters of this kind, and for that reason they were desirous of uniting with a Church which offered that certainty. It was no doubt very captivating to a man to tell him, "There is the Bible, and every man has a right to draw his own conclusions from it." The Bible was at the foundation of the Church of England, but there were interpretations of that Bible against which they most decidedly protested. The faith of the Church of England was that which had been accepted at all times, in all sound churches from the beginning, and upon the interpretation of the Bible, adopted by them, the Church took its stand. In fact the difference was this, as between the Church of England and the Church of Rome, that we believed that the Apostles knew the whole faith, and that they told us all that they knew. The position of the Church of Rome was, that Pope Pius had a development of religion beyond that which the Apostles had. For instance, St. John, to whom was revealed the Kingdom of Heaven, saw nothing, knew nothing, and could reveal nothing of a Queen of Heaven; but the Pope could say that he knew there was such a person as the Queen of Heaven, and that the Blessed Virgin was that being. There was this great difference between the two faiths. We took our stand upon the Bible as interpreted from the earliest time by all sound churches; and the Church of Rome upon her own traditions. Our position is the soundest; but on too many occasions when doubts on questions of doctrine arose in the minds of members of our Church, and they turned to their clergymen for advice, they found a difference of opinion; not one which could be fairly reconciled, but a difference so wide that it was impossible both opinions could be true. Then they asked to whom they could refer as authorities? and they found there was no authority of any kind. That made the advice coming from our clergy powerless, and the individual then went to the Church of Rome, simply because there he found a decided and authoritative opinion given. That was what was going on at the present moment. It would be remedied by allowing the Church to speak as a body. And when we saw that the very offspring of our Church—the Church in America—and the Church in Scotland, could meet in convocation to advantage, why take away the power from our own Church of doing the same? He (Lord Redesdale) believed most fully in the high mission of the Church of England. He believed that of all the Churches which sprang up at the time of the Reformation she was the one who was most favoured by being allowed to continue the uninterrupted succession of that Apostolic constitution which had been handed down from the earliest period. Many persons might not value this advantage so highly as he did; but none could deny the fact that it influenced many minds in favour of the Church. When he saw that this advantage had been given to their Church alone—when he saw that since the time of the Reformation she had been blessed in a most extraordinary degree, by being permitted to extend her power over every quarter of the globe—not only over the new continent of America, but in India and Australia and New Zealand—and that our Church was now spreading from one end of the earth to the other, he rejoiced that we had now latterly, though too lately, established the constitution of the Church in its full integrity in our Colonies. He hoped the number of our bishops at home and abroad would be largely and extensively increased. When he recollected that our Church sprung originally from the East, and that afterwards, through the mission of St. Augustine, it was connected with the Western Church, and when he saw that it embodied the principle which above all others built itself upon rational faith and the Bible, he could not but believe that the Church had been preserved in the manner in which it had for a special purpose, and that it was its future mission to draw together the east and west, and that the unity of the Church Universal was to be brought about by her instrumentality. He merely expressed his own individual opinions, and they might be designated as those of an enthusiastic Churchman; but he felt deeply upon the subject, and he had a strong opinion with regard to the necessity of giving this action to the Church, in order that she might carry out the great ends of her mission. If it were desired to spread the Church in any way in Europe or elsewhere, their hands were tied by the manner in which the Church was now constituted. We had no Church body to whom we could look for action of any kind. Everything was in the individual. He trusted that in the course of his remarks he had said nothing calculated to excite angry feelings in the mind of any one, or to give the slightest offence to any of their Lordships, however they might differ from him in opinion, or to whatever party in the Church they might belong, for he had studiously avoided doing anything of the kind. He assured their Lordships that he did not wish to be supposed, in what he was doing, as desiring to give the slightest advantage to one party in the Church over another. His anxious desire was to show the country in general the advantages which he believed would result from the course which he proposed; to persuade them of the weakness of the objections which were brought against it, and to lead them to the conclusion that something must be done in the matter, and that it was absolutely impossible that they could go on much longer without synodical action in the Church. He believed that there was a growing and spreading feeling in the country in favour of this course, and that it would continue to increase until at last it would be impossible to resist it. If that was the case, he trusted that those with whom the decision of the question rested, would not delay yielding to this until their decision became a party triumph to one side of the Church or the other. He was of opinion that there would be peculiar advantages in recommencing the synodical action of the Church at the present time. He believed that the apprehensions which had been excited with respect to the recent movements of the Court of Rome had led a vast number of men who before were too much inclined to take party views of such questions to entertain an ardent desire for united action with a view to the safety and prosperity of the Church; and he believed, likewise, that among many persons who before entertained a deep prejudice against such a course, the opinion was rapidly growing that no satisfactory answer could be given to the demand for synodical action but to grant it. Without this they were asking the Church to fight with every other church with her hands tied. Now this, he maintained, was not a fair position in which to place the Church; and it was because he ardently felt the necessity of a change in her position that he had ventured to call their Lordships' attention to the consideration of the subject. The noble Lord concluded by moving "for a Copy of a Petition from the Clergy and Laity of the Province of Canterbury presented to both Houses of Convocation on the 5th of February, 1851."

The ARCHBISHOP of CANTERBURY: My Lords, no one who is acquainted with the noble Lord, and knows his attachment to the Church of which he is a distinguished member, can doubt the purpose with which he has brought before your Lordships the subject on which we are now engaged. He is sincerely of opinion that the divisions which unhappily exist in the Church can only be closed through the agency of Convocation. He is not singular in that opinion. Many petitions have been addressed to me during the past year, bearing signatures well deserving of attention, urging me to use whatever influence my station gave me to promote the assembling of Convocation. I was obliged to answer the memorialists that, judging from the only grounds of judgment open to me—the experience of former Convocations—I could not agree with their opinion, and therefore could not comply with their petition. I still think the same; and unwilling as I always am to trespass upon your Lordships' attention, and still more unwilling as I am to express sentiments which differ perhaps from those of many, both in this House and out of it, with whom it would be far more satisfactory to me to concur—I believe it is my duty, after the speech of the noble Lord, to state the grounds on which I think that the assembling of Convocation with active powers would tend to increase discord in the Church, and not to produce the harmony which he desires to restore. I believe that there are formal and technical difficulties attending the revival of the powers of Convocation, and the noble Lord has acknowledged that before it can act it must be remodelled. Into these I will not enter. I will suppose that all such technicalities are overcome, all obstacles removed, Her Majesty's advisers satisfied, Her Majesty consenting, Convocation assembled for the despatch of business:—what would follow? Great disappointment, or great excitement. What business is to be despatched? Some would say, "The Liturgy requires revision. Some rubrics are inconsistent, and others unintelligible." If the assembling of Convocation were to end in the reconciliation of some conflicting rubrics, or in supplying the deficiency of others, or even in the change of a few obsolete words or questionable phrases, the result would be little worth the cost of production. It would be justly asked, *Quid dignum tanto feret hic promissor hiatu?* Thus far, then, you disappoint; go farther, and you excite. If more were attempted, and the doctrine of the Prayer-book were touched, even with the slightest hand, a flame would be lighted up from one end of the country to the other. Where we have now a smothered fire, hotter, perhaps, than is agreeable, but still manageable, we should raise a conflagration which it would require all Her Majesty's prerogative to extinguish. Suppose, then, the Liturgy untouched, and nothing more attempted than what we know to be desired by many members of the Church—the issuing a declaration which should contradict a recent decision of the Privy Council, and defining the effect of baptism more clearly than it is defined in our Articles—would peace follow? Can we suppose that this would prove a healing measure? I cannot so interpret the spirit of the age as to believe that the great body of the Church, laity, or clergy, are prepared to restrict the liberty of opinion in matters hitherto undecided which our forefathers have always enjoyed, and under which the Church has flourished for three hundred years. We may speak here with confidence, for the experiment has been tried. For obvious reasons I avoid all allusion to any events which may have taken place at home. But the experiment has been tried in Australia. A declaration, such as I have alluded to, was drawn up in October last by the bishops of Australia, assembled in synod; and the same ship which brought home the particulars of the synod, brought also the account of the effect which it had produced in one of the cities where it was first promulgated, which, instead of concord, was dissension, where all had been previously peaceful. It had endangered the popularity of a bishop who was universally and deserved esteemed; and the principal laity of the city had met together and unanimously protested against a measure which they treated as an infringement upon their liberty as Churchmen. If I do not fear any such result here, it is because I do not entertain any apprehensions of the issuing of such a declaration. My Lords, the noble Lord has spoken of the Convocation as part of the Constitution. In point of fact, the Convocation was a very uninfluential body for one hundred years after the Reformation. But it is a mistake to suppose that we owe to that assembly the constitution and fabric of our Church. Convocation had little to do with the framing of our first Protestant Services and Articles. The first Protestant Service, which has never been materially changed, was framed by a committee of Bishops and Divines, at the order of King Edward, in the year 1549. It was submitted to Convocation, not to be formed but to be approved. The Articles of the Church, three years afterwards, were drawn up, not in Convocation, but by Cranmer and Ridley, and others who assisted them. They were ratified, not debated, in Convocation. Seven years afterwards, at the accession of Elizabeth, the revision of the Prayer-book was entrusted to ten divines. Their revision was sanctioned by both Houses of Parliament, and no mention is made of Convocation. The first occasion on which Convocation bore an active part, was in the revision of the Articles and Liturgy in 1562. But authority had then great weight, and whoever reads the records of those times will perceive that Convocation was entirely governed by the authority of a few leading persons, and was much more disposed to receive mandates than to issue them. After the Revolution matters were altered. Convocation became a more active, but not a more peaceful body. Its history during the reign of Queen Anne is a history of altercations between the Upper House and the Lower. It soon appeared that a body so constituted was ill suited to the purpose of solemn deliberation or wise legislation. The last disputes were ended, as former disputes had been, by a timely prorogation; and since the year 1717 it has never been deemed expedient by the Government for the time being to advise the Sovereign to issue a licence for the despatch of business in Convocation. Now what can we reason from but from what we know? What grounds have we for believing that more advantage or less injury to the Church would result from the assembling of Convocation now than in the reign of Queen Anne or George I.? But the noble Lord who has brought on this debate has pleaded for Convocation on the ground that every religious body has such meetings; and the argument at first sight seems reasonable. There may, however, be privileges which are not advantages. There are privileges which it is not desirable to claim. Between independent bodies of religionists and the Church of England no parallel can be established. They are not involved in the constitution of the country. They may meet, and deliberate, and resolve, without constituting that anomaly in government, an *imperium in imperio*. And, after all, is peace and harmony the result of those meetings? The annual conferences of the Wesleyan body have not prevented divisions and secessions amongst its members. And I doubt whether the General Assembly of the Church of Scotland, which might be best compared with ours, though different in a very important particular—I doubt whether that is always a scene of peace and harmony. In the diary of the late Dr. Chalmers I find these words:—"May 8. A meeting of Presbytery. I dislike its atmosphere, though it is my duty to enter it, and, if possible, to soften and transform it." And again—"May 9. A most tempestuous day in the Presbytery." Certainly, my Lords, the General Assembly, if it did not contribute to occasion so fatal an event, did not prevent a disruption of the Church in that country, the most serious which has ever occurred in any Church since the Reformation. At all events the benefits which are expected from self-regulation and independent legislation would be dearly purchased if purchased at the cost of confidence on the part of the people. And we must shut our eyes against all experience if we do not foresee this danger—if we do not believe that the debates which will be constantly occurring would not rather tend to foment than to allay dissensions, to multiply rather than to prevent divisions. No one can lament more than I do the existence of such divisions. No one would be more ready to concur in any measure that might seem likely to remove them. But, in spite of those divisions, and notwithstanding its want of independent action, the Church of England enjoys the best of all privileges—the means of extensive usefulness. During the last thirty years she has founded a thousand new parishes at home. She has established twenty new episcopal sees in our Colonies abroad. She is supporting schools—not indeed without assistance, for which we are most grateful, but still as the principal instrument, in every village of the land. She is exerting herself, and successfully exerting herself, to supply the spiritual wants of her increasing population. That she might do more if all her sons were united together in the same mind and in the same judgment, I am not prepared to deny; but I do not believe that the assembling of Convocation would be the means of promoting such union, and, therefore, I cannot agree with the noble Lord in desiring the assembling of Convocation.

Lord LYTTELTON: My Lords, the importance of the subject before the House, and the interest I have long taken in it, make me anxious to address a few remarks to your Lordships. It seems to have been generally reported that my noble Friend (Lord Redesdale) intended to move for an Address to the Queen for the revival of Convocation. I do not believe my noble Friend ever had such an intention. I rejoice that such is not the Motion which has been submitted to the House. We are not prepared for it. What this question requires is ventilation and discussion; and when I say that the subject needs to be discussed, I mean in its most general form, and by that I mean, not the question of a meeting of the clergy alone, or of any merely clerical body whatsoever. It might, indeed, be, that, as a part of a system, the clergy should be empowered to meet for certain purposes with legal effect. And, again, I conceive that no reasonable objection can be made to the voluntary assembling, for mutual counsel and deliberation, of any orders of the clergy in any part of this empire, whether in Australasia or in Exeter. The clergy are a distinct order of men, with momentous duties, and duties in the performance of which they are entrusted with considerable discretion, and nothing can be more reasonable than that they should, in times like these, meet together for discussion and self-regulation, within the limits of their actual legal powers. But I look to the present question as one relating to a great province of our legal and constitutional system; and so regarded, I cannot think of it as less than a question of the meeting, by representation, of the whole body of the Church, clergy as well as laity — communicant laity they ought to be—of that body. Now, that that body ought so to meet, seems to me self-evident, except on the assumption, seldom explicitly avowed, but often, as it seems to me, involved in reasonings on this subject, that the Church is not an organic body at all, but a mere function and creation of the State. My Lords, I shall not attempt to argue against that assumption. It would take too long, even if I were able to do it, and it were suitable to do so. I shall assume that the Church is an organic body, with laws and a constitution of its own, independent in its origin and essence of all other bodies, however it may be, by positive enactment and special compact, connected with, and even subordinated to, the civil power. And, if so, how can it be denied that the Church should have the power of deliberation on its own affairs, and self-regulation on certain conditions? It is acted upon by constantly varying outward circumstances, and how can any part of its system be held to be stereotyped and unalterable for ever? [*Cheers.*] The noble Marquess opposite (the Marquess of Lansdowne) said, last year, amidst the loud but not well-considered applause of those behind him, that the system of the English Church had been embodied in certain rules and facts, as he said, at the Reformation, and that nothing more was needed. But how can that be maintained? Nay, it is not maintained seriously by any one. Every one admits that there are hundreds of questions pressing constantly for adjustment in the Church —some of which are not dealt with at all, others are disposed of somehow, in a manner which I shall shortly advert to. One great subject, that of the Canons, Articles, and Formularies of the Church, it seems agreed, ought not to be touched at all. Some time ago there was an apprehension that an attack on the Prayer Book was intended, and it was proposed to form a bond of union on the abstract principle of unalterable adherence to our formularies as they stand. My Lords, I, for one, should decline to be bound by any such engagement. I do not want any alteration; I should of course object to any essential change, as well as to many given changes that might be mentioned; but I should, on principle, object to the Church itself being in the least degree fettered in dealing with any part of these formularies. The question is, by what authority are these things to be done? It is inevitable that some sort of Church regulation should be done somehow. It is done partly, as my noble Friend has said, by the irregular and half-authorised efforts of the several bishops; but, mainly and ultimately, it is done by

Parliament, and chiefly, of course, by the House of Commons. What sort of body is the present House of Commons to deal with religious and ecclesiastical matters? What was said the other day, in a speech in the country, by at least an honest and intelligent, and on this subject unprejudiced, member of that assembly (Mr. Cobden)? He had occasion to advert to these matters. He gave a sketch of the present condition of that House, of the various sects and no sects that make it up, and he said, "What sort of a body are we to deal with religious matters?" But, my Lords, this touches on a larger view of this question, on which I must say a few words. It is impossible rightly to consider this question of the organic action of the Church, without considering its connexion with that of the Royal supremacy. It was pointed out last year, in the debate on the Bill of the right rev. Prelate (the Bishop of London) that the surrender, in terms absolute, that was made by the Church to the civil power at the Reformation, of the power to determine doctrine, was not fairly to be construed in this absolute sense, but should be interpreted according to the spirit of the constitution, of the statutes, and even to the clear words of some of those statutes themselves, by which the decision of doctrine should be entrusted, not solely, but chiefly, to the spiritualty of the Church. But it might have been pointed out, even if we assume that those words of surrender were to be interpreted in the literal way which some persons delight to do, with how much more safety, prudence, and propriety such an absolute surrender might have been made then, than it could be made, or than it should be maintained now. What I have said about the altered composition of Parliament is only one part of the great change that has taken place since that time. At that time the State was wholly within the Church; it is now not much more connected, in fact, with the Church than with any other religious body. It is so quite manifestly, and with hardly an exception, in the colonies; and constantly becoming more and more so in Ireland, and even in England. Moreover, it is quite plain that at that time the one great fear which possessed men's minds was fear of the power of the Pope: of which I will only say that if any one now thinks that with regard to the great bulk of this people there can be any real fear of the power of the Pope, I believe it to be the most chimerical idea that ever entered into the brain of man. And it is clear that, against that and any other dangers, the State was in those days the most friendly and the most powerful ally with which the Church could connect itself. Another point is, that the submission then made by the Church was not to an abstract civil power, but to the person of the monarch; and the monarch then exercised a far more real power over the administration of the country than is now the case. What we now call the Royal supremacy, is, in fact, the supremacy of the majority of the House of Commons. Above all, in those days, Convocation was in the habit of meeting, and of course it was contemplated that it should continue to meet, and so be able to watch over the course of events, and judge whether modification was ever needed in its compact with the State. And now that all these great changes have taken place, it ought to be for the Church, as an organised body, to consider what readjustment should be made in the terms of its connexion with the State. I do not mean to hint at anything like a weakening or a dissolution of that connexion, which I do not desire; but I have no hesitation in saying, as my noble Friend (Lord Redesdale) said very plainly last year, though he has not repeated it to night, that a reconsideration and readjustment is required. My Lords, I would illustrate these views by what took place last year before the Judicial Committee, in the case of Mr. Gorham. Some persons seem to think that case is forgotten. My Lords, it is not forgotten. But probably many persons think as I do, that it is a question which should be adjourned. Those who think that a fresh battle should take place about it, may think that there is now no proper battle-field; and that the true field is the Church, in its own meetings as a body. Those, again, who rather think as I do, not that a fresh battle should take place, but that further explanations might tend to more agreement and conciliation, may think that the Church itself is the only body from which such a result can be looked for, and that the present irregular and abnormal attempts at discussion and conciliation never can lead to it. My Lords, I am anxious not to be misunderstood on this matter. I do not desire, as the most rev. Primate has said, a settlement that shall drive out any parties from the Church. It must be remembered what has always been the real grievance felt by those who have objected to that judgment; not so much any thing actually contained in the judgment, as that it wholly failed rightly to represent the meaning of the book it professed to review. That is what was always put forward by the right rev. Prelate (the Bishop of London) who dissented from the judgment; and it was attributed to the fact that the tribunal which tried the case was not such as was at all in the contemplation of those who, at the Reformation, adjusted these questions, and that the Church itself ought to be heard in the present question of the constitution of that tribunal. As to the judgment itsélf, much as we might object to several of its parts, I have never felt certain that, in the absence of further authoritative explanation of some of the terms used but not explained in that document, the difference as to essential points in the subjects which it treats of, is really so great between different persons as they themselves suppose, as my noble Friend (Lord Redesdale) has also suggested. On this, therefore as well as the other points, it seems to me that the expression of the voice of the Church is required. My Lords, I will only add a few words on the most obvious and popular objection to the restoration of the action of the Church —that it would not tend to the peace of the Church. My Lords, peace is good; but truth, and life, and freedom are better still. You have had peace. You had peace last century — the peace of a lethargic slumber: a peace during which, as has been said, the Church suffered more in external losses and inward decay and degeneration, than during any other period of her history. Have you got peace now? Have you any chance of peace? You will never have peace till, in some measure, the free action of the Church is restored. Whether you would have peace then, I do not know. I hope and believe, with my noble Friend, that you would. But if we cannot have peace without the loss of life and freedom, I would have war to my life's end. Would the noble Duke (the Duke of Argyll), or the noble Earl (the Earl of Aberdeen), or the noble Marquess (the Marquess of Breadalbane), or the noble Marquess now in India (the Marquess of Dalhousie), or any other active and intelligent Member of the Scotch Kirk, or of the Free Kirk of Scotland—would they give up the free action of their Church from fear of any such disruption as has occurred? Not they. They would feel as I do, that such peace would be too dearly purchased. My Lords, I feel assured that the tendency of events is towards the attainment of this object by the Church. The Church will eventually regain her power of action. But the question is, by what process shall she regain it? It is because I am desirous that it should be restored by friendly, deliberate, and well-considered arrangements between the Church and the other powers of the country, that I am glad that my noble Friend has brought on this question, believing that such discussions tend to promote that result, and that by joining in them we are subserving the cause both of truth and of peace.

The Archbishop of DUBLIN said, that he had oftener and longer ago than any other Member of the House called attention to the subject now before it. On that account he hoped he might be permitted to say a few words on this occasion, and they should be only a few words, because his opinions delivered in that House had been printed and published, and it would be more convenient for such of their Lordships as took an interest in them to read them at home than to hear him explain them in a long speech. The question of the propriety of providing a government for the Church, either temporary or permanent—either to meet certain special cases, or for the general regulation of ecclesiastical affairs—was first raised by him in their Lorships' House sixteen years ago, and he had since returned to the subject on various occasions. He had never advocated the restoration of the Convocation as the governing body of the Church, because—besides other objections—he was of opinion that the government of the Church by the clergy could not and should not be tolerated in these days. It had been justly observed that formerly all authorities in the State consisted exclusively of members of the Church, and, however ill qualified the State might have been for the government of the Church in the last century, this at any rate could be said of it—that it was composed of members of the Church. The strange anomaly of the present time was, that if the Church were governed at all, it must be governed by persons not necessarily members of it. The result was seen in this—not so much that the governing powers interfered improperly with the Church, as that, feeling their own disqualification for the office, they refrained from interfering at all. It was hardly necessary to say that he was not an advocate of violent changes; but he wished people to believe that if Church affairs remained unaltered, it was because there was nothing that required change, not because there were no means of effecting it. He did not attach much weight to the objection which some urged to assembling a governing body for the Church — namely, that violent persons would find their way into it. Violent persons were to be met with everywhere, and they usually contrived to make a great stir and noise, quite disproportioned to their numbers. An example of this once occurred in a parish of which he was rector. He was informed that a violent opposition existed in the parish against a proposed alteration of a road, at which he was very much surprised, because the alteration was conducive to public convenience. In order to ascertain the real opinion of the inhabitants of the district, he sent to each house a white and a black bean, with directions that those who were opposed to the alteration should return a black bean, and *vice versâ.* The return was twenty-nine black to three hundred white beans. Yet the twenty-nine black beans called themselves "the parish," and it was hardly necessary to say that they made twice as much noise as the three hundred white beans. He believed, also, that discussion and contests in a regular assembly were not so destructive of peace, as the absence of any such assembly; for they had very strong contests in Parliament, and yet to be without a Parliament would not promote peace. He did not think intolerant exclusion should be the order of the day. He was not for cutting off every limb as soon as it was in pain. He fully concurred with the noble Lord who had opened this debate, in believing that many of those who had been driven to desert the Church, and to take hostile steps, might have been retained, if there had been some legitimate mode of making their wishes and feelings known. The revival of Convocation as it at present existed, or, indeed, any attempt to govern the Church by means of the clergy exclusively, he should think highly inexpedient, and not a little unjust. Still less was he an advocate for any assumption of claims to govern the Church, and to dictate to its members, by any persons who were not regularly appointed for that work of government; and he believed that had a good deal to do with the dissatisfaction that had been expressed, as the most rev. Primate had mentioned, against the proceedings of the bishops of Australia. If some twenty of their Lordships were to assemble, and in their own name to issue a code of laws for the government of this country, however just those laws might be in themselves, yet he believed they would be objected to, because that would be an assumption by those parties of the government of the country. Now, those Australian bishops had no more right to dictate as to the mode in which the worship of the Episcopal Church in Australia should be conducted—except in so far as the government of the Church was already placed under their control—than any twenty of their Lordships had to assume the powers of the House of Lords. He did not mean to charge those right rev. Brethren with pretending to assume a control over the consciences of the clergy; but there could be no doubt that their proceedings had been so interpreted, and had consequently given rise to considerable discontent. He would not detain their Lordships further, the rather as his opinions on this subject had been long before the public; but he must say, that while he was in favour of some kind of government being provided for the Church, he had never seen nor expected to see any plan suggested which appeared to him likely to give general and complete satisfaction.

The Archbishop of Dublin

The DUKE of ARGYLL hoped it would not be esteemed presumption in him if he were to address a few words to their Lordships on this important subject; because even if he had not been personally alluded to by the noble Lord who lately addressed them, even if the Church of which he was a member had not been repeatedly alluded to in the course of the debate, still he felt that the matters which were now before their Lordships, and the principles which were now under discussion, were principles common to the whole Christian world, principles of the most Catholic and general kind, and having reference to every society into which the Christian Church is unfortunately divided. It was a truism to maintain that it was the inherent right of every organised society to be empowered to meet for the regulation of its own affairs; and in whatever respects the Church of Christ, or any branch of that Church, differed from other organised bodies, surely in those respects on which it differed it was not less but more entitled to possess the powers of self-government. There were, however, certain difficulties in the Church of England which had not hitherto existed in the case of other Protestant Churches. He should never listen to any debate in this House in which a comparison was attempted to be drawn between the Convocation of the Church of England and the General Assembly of the Church of which he was a member, without rising to protest against such a monstrous confusion of ideas. It must be apparent to every one who had listened to the discussion of to-night, that they were discussing two separate things; there was on the one hand a revival of the old English Convocation, and on the other hand there was evidently in the minds of most of the speakers the formation of an entirely new governing body. The old Convocation of the Church of England had no more relation to the General Assembly of the Church of Scotland, than any of the most dissimilar bodies that their Lordships could conceive. The old Convocation of the Church of England was composed entirely of the clergy; and he believed it to be true, as the most rev. Prelate had hinted rather than stated, that the Convocation was first called together, not so much for the regulation of the ecclesiastical or spiritual affairs of the Church, as to give the assent of the clergy to certain taxes or subsidies levied upon them by the civil power. But the Convocation of the Church of England never changed its character—it remained to the end a Convocation of the clergy; and to this he, for one, attributed the loss of its character, the loss of its influence, and eventually the loss of its fitness for those duties which are now again sought to be imposed upon it. He might mention other difficulties in the way of the formation of a new governing body, which not merely consisted in this, that there were no ancient traditions on which they might fall back, but still farther on the part of the opposite opinions which prevailed in the body whom they sought to unite in a representative capacity. He rejoiced to hear from every Member of their Lordships' House who had taken part in this discussion, that the Convocation which was now sought to be revived not only ought to be the old Convocation, but that it would not be a Convocation at all if it did not represent the whole body of the English Church, clergy and laity. But did their Lordships imagine that this would be a unanimous opinion? He feared it would not. So far as his own observation went—and he had long taken a deep interest in these matters, and observed what was passing in England as well as in Scotland with regard to it—his own impression was that the majority of those who sought the revival of Convocation, sought literally and truly for the revival of the old Convocation of the Church of England, though he would not venture to state as a matter of fact—he was not so competent to form an opinion upon that point as some of their Lordships—he could not state how many there were that were seeking for a Convocation that should be perfectly identical with the old Convocation of the Church. He would tell their Lordships on what ground he formed this opinion. The noble Lord who introduced this discussion had alluded to a recent judicial decision which had been given on a point of doctrine in the Church of England; and the most rev. Prelate had referred to the objections which had been taken to that decision. Now a great number of those objections—and he was surprised his noble Friend had not referred to it—were objections to the constitution of the court by whom that decision had been given; and he must say that some of the ablest and most remarkable pamphlets he had seen on that subject rested their objections to the decision on the grounds of the constitution of the court, and complained of the grievance that was laid upon the consciences of the members of the Church of England in a lay tribunal being allowed to decide upon a point of doctrine of the Christian faith. This ground he knew had been taken, and he could not conceal from their Lordships that it had been taken by smoe of the ablest and most learned men who had written upon the subject. It was notorious to all of their Lordships who took an interest in this question, that upon this point they would have to overcome the feelings of the members of their own Church; they would have to overcome the feeling that the decision of these questions belonged of a right to the clergy, and not to the laity. He must say there was great confusion of thought in the pamphlet he had alluded to, because he had observed that no dissatisfaction was expressed with the decision of the Court of Arches, because, by a fiction of law, the Court of Arches represented a spiritual court, while the Privy Council represented a purely lay and civil power. He believed that this distinction arose from a great confusion of thought, because it was notorious to their Lordships that the Judge in the Court of Arches was a layman; that in theory, indeed, he might represent the jurisdiction of the most rev. Prelate, but that, in point of fact, he was as much a layman, and decided the question as much on the principles of law as did the Judges of the Privy Council. Nevertheless, whatever might be the matter of fact, and whatever might be the confusion of mind, he must say that it was a principle much dwelt upon by some members of the Church of England, that questions of this kind must be decided wholly by a Convocation of the clergy. If, as he rejoiced to learn, it was the opinion of the members of the Church of England that a renewal of the representative system of the government of the Church by a purely clerical tribunal, was not desirable, and that it was no longer possible, then he must say that they had before them an arduous and a difficult undertaking. Their Lordships must remember that the institutions of England, both civil and ecclesiastical, were never erected at one time. They had grown up gradually; they were entwined with the affections and associations of the people generally. They were now about to confer upon the Church of England not an institution that had ever had the affections and associations of the people to recommend it—they were about to proceed upon a totally new task; they were about to act as the Americans might have done; they were about to act as the French were about to act for the fourth, or the fifth, or for the dozenth time; they must set about the task of forming a paper constitution—for a paper constitution it would undoubtedly be, whether successful or not. He did not say such a task was impossible; God forbid he should say any such thing! all he said was, that it was a new, a difficult, and an arduous task—a task to which the people of England were not by their history accustomed, and he should say, hardly by their nature and character. Besides the difficulties they would have to encounter in the constitution of the body to whom they proposed to commit anew the government of the Church, they had other difficulties to contend with which existed in the case of no other body. They were difficulties which did not exist in the case of the Church of Scotland; for, from the first origin of that Church, it had been accustomed to have a representative body—a representative body founded so far back in history that at the present moment representatives were sent to the General Assembly by not a few municipal burghs, the members of which were no longer connected with the Church. That body acted under a carefully-defined system, and with long-established rules of government, and no question had arisen in the General Assembly until very recent times which involved any occasion of serious division. Questions of doctrine had hardly ever come before the General Assembly; and he was bound to add, that, in the few instances where questions of doctrine affecting some of the most profound and metaphysical points of the Christian faith had come before the General Assembly, his experience led him to say that those were the points which were least successfully, least happily, and, he must add, least worthily dealt with by that body. But questions of discipline were perpetually coming before it. Now, he would appeal to those members of the Church of England who were most anxious for a representative assembly in the case of their own Church, whether they were not struck by the forcible argument that was brought to bear upon this point by the most rev. Prelate, because he must say it appeared to him that while the weight of argument was almost altogether on the side of the abstract right to hold a Convocation, the weight of argument was altogether on the side against a Convocation so far as regarded the practical evils and dangers that were to be expected from it. Were they not conscious that the Church of England included among its members not only persons who differed from each other on points of discipline, but who were diametrically opposed to each other on some of the most important doctrines of Christianity? They had theologians among them whom he affirmed to be—and he believed he was safe in doing so—as high Calvinists as any that existed at the present moment in the most extreme sections of the Lutheran Church. There was another party in the Church whose theology was barely distinguishable from the theology of the Church of Rome. With these elements in the Church of England—while it might be abstractly right to meet in Convocation—were they prepared to take the consequences of such a meeting? He, for one, believed that mere peace was not the first and greatest object that ought to be aimed at. He agreed with his noble Friend that there were times when they were bound to be in a state of warfare—when warfare was their duty. Only he thought the matter was one of so much importance to those who were anxious to see a new representative system in the Church of England, that they ought to weigh well the great difficulties that existed in the Church to such a course. His own firm conviction was, that, in the existing state of religious feeling in the country, if there should be a meeting of Convocation, however that body might be composed, questions would arise in the body which would result sooner or later in a great disruption of the Church of England. He was not prepared to say that that would not be a preferable alternative to the state of matters that now existed. That was for the members of the Church of England themselves to decide; on them must the responsibility lie. Before sitting down, there was one observation of the most rev. Prelate against which he must protest. He had quoted two instances from the life of a great and good man, giving his experience of the action of representative synods. Now, did the most rev. Prelate not suppose that if he had searched the diary of such a man, for instance, as Wilberforce, that he might have found jottings of his experience in times of great excitement, of violent contest, of exasperated feeling; and would the most rev. Prelate have thought it fair to bring forward those fragments as specimens of Mr. Wilberforce's deliberate opinion as to the action of representative government? So monstrous an argument, if it were meant as an argument, he had never before heard adduced on a question of this nature. If it were meant as an illustration, he must take exception to one of the instances which was brought forward by the most rev. Prelate: he meant the instance the most rev. Prelate had adduced from the late disruption in the Church of Scotland. He did not wish to revive the heats and animosities of that controversy, and he could not forget that he was speaking in the presence of a noble Friend of his (the Earl of Aberdeen), who took an active, a prominent, and, he should never cease to think and say, a most unfortunate part in resisting the changes which were then sought; but this he was bound to say in connexion with the argument of the most rev. Prelate, that that disruption would never have taken place if it had not been for, as he believed, the unconstitutional, and, in the highest sense, the unlawful, interposition of an Act of Parliament, which had been passed since the Union, with the free action of the representative system of the Church of Scotland. It was not that the disruption arose out of the free action of that representative system—it arose rather out of the restriction which was most unwisely attempted on the free action of that representative system. He did not wish now to advert more particularly to that statute which caused the disruption—the statute which restored the rights of patronage; but he must state that that statute was always regarded as an interference with the free action of the representative system of the Church of Scotland; and more recently—by the decision of the Courts of Law against the opinions of some of the most learned and eminent of the Judges—a construction was put upon it which still further interfered with the free action of the General Assembly. An appeal was carried to their Lordships' House, and on their decision he did not scruple to think and to say, that feelings and principles derived from the constitution of the Church of England were allowed to influence the decision that was then pronounced; and, rather than submit to this interference with the free action of their representative assemblies, he would not say a majority, but a large proportion, of the members of the Church of Scotland seceded from her communion. There was no connexton between this event and a revival of Convocation in the Church of England; and he, for one, protested against any argument in opposition to free representative assemblies, drawn either from local quarrels, or from the discussion which took place in consequence of an interference with the free action of the Presbyterian Church of Scotland.

The Bishop of LONDON said, it was not his intention to enter at any length into the main argument which had now been brought before them. He had risen mainly to notice what he considered an error in the very able speech of the noble Duke who had just addressed them. He argued, from the dissatisfaction that was evinced at the decision of the Privy Council on a late occasion, and the objections that were taken to the constitution of that body, that there was a wish on the part of the majority of the clergy to place any power that might be exercised by the Convocation in the hands of the clergy alone, and that there was no wish on the part of the great body of the clergy to admit the laity to any share in their deliberations—

The Duke of ARGYLL: I did not say the great body of the clergy—I expressly guarded against being committed to any number who entertained these opinions.

The Bishop of LONDON said, the numbers did not affect his argument. What he wished to direct attention to was, the erroneous inference—that because parties objected to a lay tribunal deciding points of doctrine, therefore the same parties would object to the admission of lay members to decide upon the external matters that related to the Church. Their Lordships would recollect that in the speech which he ventured to address to them in moving his Bill of last year, he stated broadly that in the determination of points of doctrine, it always had been the practice of the Christian Church to entrust their decisions to the Bishops of the Church in their judicial character, or at the very least to give them a veto upon the decisions of other bodies. [See 3 *Hansard*, cxi. 607.] In the Episcopal Church of America, which they might fairly term the daughter, or at least the sister of the Church of England, the questions of faith and doctrine might be discussed by the representative body of that Church, but no decision could be come to without first allowing a veto to the bishops. He was therefore prepared to assert, for the order to which he belonged, the right of determining judicially for their own Church on all points of faith. It was quite a different matter to admit the laity to a share in the government of the Church in a representative assembly. With respect to the question before their Lordships, there was no one more sensible than he was of the great difficulties which attended it. He felt the full force of the objections which the most rev. Primate had stated as reasons which ought to operate with their Lordships in not giving their sanction to the proposition of his noble Friend. He felt all the difficulties of the case; but he must say they were trifling, compared with those difficulties which must involve the Church, unless their Lordships were prepared to take measures to restore to her her inherent right of deliberation. With respect to the disputes which took place in Convocation during the earlier part of last century, he thought it would be found, if their Lordships would read the history of those times, that the reasons which caused the suppression of Convocation were not that the clergy were too violent in their disputes on religious questions, but that the Lower House of Convocation took notice of the heretical teaching of one of the bishops who had recently been appointed, and that it was political and not religious motives that induced the Minister of the Crown of that day to suppress the Convocation. But, if they were to argue from the abuse of an institution against the institution itself, he knew of none, not even that instituted by the Saviour himself, against which that same argument might not be used, to prevent the exercise of its legitimate and inherent powers. If the Church was not qualified so to deliberate on its own affairs, he should like to know what organised body was. That Parliament, as it was now constituted, was qualified to deliberate on the affairs of the Church, was a proposition to which he could not concede. At the same time he must state that he was not satisfied with the present constitution of Convocation; and for this reason—that, putting aside the question as to the admission of the laity, he did not think that the parochial clergy were adequately represented, while the deans and chapters were more than adequately represented in Convocation. Since the last meetings of Convocation, the parochial clergy had greatly increased in numbers, and still more in learning, in intelligence, and in independence, and he did not think that about forty representatives in Convocation was an adequate representation of fifteen or sixteen thousand of the parochial clergy. But, if alterations were to be made, he thought that Convocation itself was the body which ought in the first instance to make these alterations. There were other questions with regard to which concessions might be made. Considering the great prerogative of the Crown, he did not think that much inconvenience need be apprehended from the deliberations of Convocation, where it rested with the Sovereign to suggest the topics of debate, and to put an end to the discussion of those topics if it saw necessary by prorogation. Upon the whole, he could not but come to the conclusion that, great as the difficulties were, the growing difficulties that embarrassed the Church for want of such a representation were still greater. Recent events had made him individually feel strongly the want of such a body. He did not know to whom to have recourse for counsel and advice; and he was satisfied that, unless there was some representative body—combining all classes of the Church—permitted to assemble, the time was not far distant when those who were entrusted with the diocesan government of the Church would not know to what hand to turn for counsel and direction in the coming emergencies. On the whole, therefore, he could have no hesitation in saying, that there ought to be a representative body of the members of the Church to whom its government should be entrusted.

EARL NELSON was sorry that no Member of Her Majesty's Government had thought the question of sufficient importance to take part in this discussion. It appeared to him, as one who was anxious to uphold and continue the relations now existing between Church and State, that it was a most important question. It was true that, before the measures which were adopted in 1828 and 1829, the suppression of Convocation might not be looked upon as so great an attack upon the liberties of the Church; but things had assumed a different aspect since those measures had been passed. He did not mean to say that he was opposed to the passing of the measures he alluded to; but he did say that they were carried, as almost all great measures were unhappily carried in this country, without a sufficient consideration of all the interests affected by the change. Since that time the relations between Church and State had been in a most unsatisfactory position. There were only two modes in which these relations could be adjusted. The first was one that appeared to him to have been all along more or less tried—an attempt to destroy or to keep in the back ground the vitality of the Church. He thought that attempt had failed. If it had not failed it would have had the effect of lessening the influence of the Church over the people of this country, because in proportion as they destroyed the vitality of a religious body, so would they destroy its influence with the people. The right rev. Prelate who had just spoken had referred to the Bill which he brought forward last Session, and that circumstance reminded him that the Bill was again and again postponed in its various stages, that the right rev. Prelate might in some irregular way obtain the opinions of the clergy with respect to it. But the imperfect opinions thus obtained from some few clergymen sitting in their closets would be very different from the opinions of the same parties when they were discussing a measure face to face with their opponents. That argument had often been used by noble Lords opposite. When in the discussions on the Reform Bill they were told of the great dangers that would ensue from the increase of the franchise, they said that the liberty of discussion would allay heats and dissensions. It was well known that demagogues out of the House of Commons speedily found their level when their opinions were confronted and discussed by others on a footing of perfect equality. Now he believed the same process would take place with regard to the clergy; and certainly no body of men required the mellowing process of discussion more than they did, because in the pulpit they were accustomed to state their opinions without fear of contradiction, and thus they insensibly acquired a habit of dogmatism. He, therefore, thought that the only mode of maintaining the relations between Church and State, was by helping forward the spiritual action of the Church, binding her by the ties of gratitude rather than by those of compulsion. Men talked of the dangers that might arise from the assembling of Convocation, but he believed the dangers which at present existed were greater than any that were likely to arise; and the greatest danger of all was any attempt on the part of the Government to blink the importance of this great question. He must say that the events of the last half-year had greatly influenced his opinion on this matter; and when they saw that about one and the same time there were separate and independent movements for synodical action in Australia, in Canada, as well as in the Church at home, he thought they could not disguise from themselves that the question was increasing in interest and force, and he feared that, unless the Government speedily took up the question, they would soon lose the advantages that resulted from the union between Church and State. Did they think they had no use now for the Church? How were they to deal with the uneducated masses, unless by the evangelising power of the Church? At the present time infidelity, though more insidiously, was as much at work as ever; and the Church of Rome had come forward more prominently than before as an antagonist to the Church, much more than to the State. What was required to repel that aggression, was, not penal measures—for penal measures, unless they went back to persecution, could not touch the spiritual action of a Church. The Church of England was ready at hand, at once the greatest bulwark against infidelity and Rome. Let them beware how they cast aside that means which God had given them, if they attempted to destroy the vitality of the Church; if they would not listen to their endeavours to obtain synodical action and freedom, they would be punished by the necessary consequences of the want of those means of defence which the Church so aptly afforded. He could not help quoting a remark which he found the other day in a sermon of Bishop Andrews. He says—

> "There is no people who can better speak as to the value of public assemblies than we. There was nothing that did our ancestors (the Britons) more hurt, (nothing that turned them to greater prejudice (saith Tacitus of them) than this one—they met not, they consulted not in common, but every man ran a course of his own head by himself, and this was the greatest advantage the Romans had of them, they were not so wise as to know what good there was in public coventions."

This was particularly applicable to the present question. The State thought it necessary to protest against the Romish aggression, but the Church was denied the power from the want of synodical action. She could not as a Church protest against this direct attack upon her. He then showed that the case of Australia, quoted by the Primate, was exactly the other way, and was a proof of the necessity of that regular action which the bishops in synod suggested and prayed for—a scheme in which clergy, laity, and bishops were to take a part. In conclusion, he trusted that the House would deem that there were no impediments to the meeting and action of such a body as that suggested by the noble Lord.

The MARQUESS of LANSDOWNE said: When I consider the method in which this subject has been brought before the House, and the statement of the noble Lord who introduced it, namely, that it was far from his intention to attack any person or body of men in this kingdom—I feel, more especially after the able speech of the right rev. Prelate who has just down, that the House might well dispense with hearing a single word from me; and were it not that it might be supposed that I and every other Member of Her Majesty's Government were indifferent—it might be imputed that we were so by reason of our silence—to the great importance of this subject, and the magnitude of that change—for change it is—in the constitution of this country, which the noble Lord has not proposed, but which he has rather suggested to the consideration of the House, I would not obtrude myself upon your Lordships. I say change in the constitution of this country—because I apprehend, the more you look into the history of Convocation in this country, and its connexion with its history, you will find—and indeed the fact has in a great degree been admitted by the noble Lord who introduced the question—that Convocation was not holden for the mere purposes he would now suggest, but that, having been called together for another object, it was made to answer and successfully accomplish the ends which the noble Lord has now in view, namely, by open and continued discussion, to establish a government for the Church, and to determine the doctrines of the Church in this country. Such a body, looking historically at Convocation, would be totally different from that which was composed, in former times, solely of the different ecclesiastical bodies in the provinces of Canterbury and York. It would be differently constituted—naturally so, as it would not have its origin in the same source, or be established for the same purpose. If you have a Convocation, different elements must come into play, and have their due place assigned to them. I refer to the Church of Ireland, and also to that in the Colonies. But not only will a change be necessary in the formation of the representation of the body itself, but the duties devolving upon it would also be different. If you look to the origin of Convocation in this country, you cannot entertain a doubt that the duties you would now impose heretofore, only accidentally devolved upon it. The Clergy were formerly convoked for the performance of certain civil services due by them to the State; and it was not until after the Reformation, and that also emanating and rising out of the authority of the Crown, that they were called upon to pass any opinion upon that great and important event. To such a degree was this principle carried out, that some of the most important Acts, whereby the Establishment was settled and confirmed, were passed without the slightest appeal to Convocation whatsoever. I apprehend, therefore, if your Lordships are to create a body to be entrusted with the constant and perpetual task of deliberating upon the government and doctrines of the Church, that it must be a body essentially different from any body which has been heretofore established in this realm. Now, the question your Lordships have to consider is, whether the time itself, or any accidents arising out of the time, are such as to call on your Lordships or Parliament to advise the creation and infusion of so new an element into the constitution of this country. I am not prepared to say, whatever my opinion of Convocation may be, that if I saw any prospect, by the creation of any such new element, of attaining that unity and peace in the Church which it must be the object of every admirer and member of the Church to attain, that I should not be prepared to embrace any means by which so great and so desirable an object could be obtained. But when I see what has been the history of Convocation, I entertain no belief—and see no foundation for entertaining it—that such results would flow from a re-establishment of Convocation; nor can I see anything which would induce me to be a party to advising the Crown to attempt such a novel and dangerous experiment as to establish a body without being afterwards able to control and govern its proceedings. And when it is said that there is a power in the Crown to control Convocation, I ask whether the exercise of that control itself would contribute to that peace or restore that tranquillity which is so desirable? It is admitted that differences of opinion and violent and passionate discussions may arise; but it is said, when such differences do arise, there may then step in the power of the Crown to prorogue and regulate the assembly. Is it supposed, that in the temper and in the heat of such discussions, such an interference would be desirable; or could it be imagined that the interference of the Crown would at once put an end to the heat of the debate, the heart-burnings and the animosities which would arise from the war of words? My Lords, I say such an interference would be dangerous in the extreme. As far as I can consult the history of assemblies of this nature, I find that they have invariably and signally failed. The noble Lord who introduced the subject alluded to the Council of Trent. If great assiduity, employment of talent, and great length of time devoted to secure the objects desired, would have done so, that Council would have succeeded. We have the history of these transactions recorded in detail by one of the greatest writers of the age, and having the advantage of those records before us, what is the history of the Council of Trent but a series of ineffectual efforts to obtain peace and concord in the Church—efforts which were followed by greater agitation than before? I have no confidence or hope that peace would be the result of such a step as re-establishing the Convocation—I have no hope to justify me in advising the Crown to pursue it. If I saw any better means than those which now exist for eliciting public opinion, I should be glad to embrace them and see them brought to bear on the government of the Church in this country; but not being able to do so, I cannot, for one, and Her Majesty's Government cannot, be parties to the trial of an experiment so novel, so far-fetched, and so perilous as that suggested.

The BISHOP of OXFORD could not suffer one of the remarks which had just fallen from the noble Marquess to pass without venturing to question its strict accuracy, and endeavouring to show how it might be made correct. The noble Marquess had argued as though it was by the merest accident and chance that the functions for which he and others now wished to see provision made, had ever been discharged in the Church of England, for he had identified the discharge of those functions with the Convocation of the clergy, and then had gone on to say that the very rise and origin of Convocation was an accident; that it was the necessary device resorted to for the purpose of taxing the clergy, and that afterwards it accidentally took cognisance of matters affecting the doctrine and discipline of the Church; but that the Church of England was a stranger to such an institution, and that it was one so novel, so fraught with danger, so uncertain in its effects, that he, in the tranquil, peaceful, united, and undivided state of the Church at present, could not venture to introduce it.

The MARQUESS of LANSDOWNE: I stated exactly the contrary.

The BISHOP of OXFORD: The noble Marquess stated that it was an institution so novel that he would not venture to introduce it. The other words he had used he had not meant to attribute to the noble Marquess. He (the Bishop of Oxford) meant for himself to glance at the position and state of the Church which the noble Marquess was so fearful of disturbing; and he feared, from the noble Lord's eager denial of them, that he was one of those who laid the flattering unction to their souls that the public administration of matters concerning the Church had been, for the last three or four years, such as to cause peace, harmony, and unity. He was not one of those; and, therefore, when he heard the visionary dangers which might result from Convocation spoken of, he could not help contrasting them with those real and substantial dangers which yawned every day around them. What he did quote from the noble Marquess was, that spiritual synods, which he identified in England with the Convocation, were a novelty—that there was no such thing known in the constitution—that its origin arose out of civil institutions, and questions arising out of land.

The MARQUESS of LANSDOWNE: You misrepresent me.

The BISHOP of OXFORD did not wish to misrepresent the noble Marquess; he would be extremely sorry to do so.

The MARQUESS of LANSDOWNE: You have done so, of course unintentionally.

The BISHOP of OXFORD would sit down and listen to the noble Marquess's explanation.

The MARQUESS of LANSDOWNE: When you conclude I shall explain.

The BISHOP of OXFORD: It would have been exceedingly convenient if the noble Marquess had now explained; it would have saved him and their Lordships further trouble. He would be sorry to misrepresent any noble Lord; but he understood the argument of the noble Marquess to be that no such thing was co-natural with the English ecclesiastical system as such a representative synod as that which had to-night been advocated; that the origin of Convocation arose from the necessity for the discharge of certain civil services due by the clergy to the State; and that it then very inconveniently assumed functions to which it was not originally entitled. Had the noble Marquess explained, he should have been thankfully set right upon the matter.

The MARQUESS of LANSDOWNE then rose, and observed that it was extremely irregular in the right rev. Prelate to call for an explanation in the course of a speech. He claimed for himself the right of explanation when the right rev. Prelate had concluded his address.

The BISHOP of OXFORD said, that there was one thing more irregular than explanation, and that was interruption. He trusted, therefore, that the noble Marquess, as he declined explaining, would, in this respect at least, extend to him his usual courtesy, and abstain from further interruption. But to return: Convocation, as he understood, was described to be a novelty in the Church of England, introduced for the sake of taxing the clergy, and that its discharging those functions of regulating the Church, which they described as being co-natural with the Church, was an after-thought. Now, to a great degree, this was true; but the important point, which the noble Marquess had omitted, was this. Before Convocation existed, and afterwards when it existed merely to tax the clergy, regular provincial and diocesan synods met throughout the land; and it was not till the more proper synod ceased to act, that from dealing with matters of civil service and necessity, Convocation was transformed, inconveniently, into a synod of the Church. Thus, an institution which was called for one purpose, was called on to discharge other functions for which it was inconveniently suited. So much, then, for the argument of novelty. But, in truth, he believed the great and fundamental objection to granting to the Church of England any synodical action lay far deeper than any objection that found its way to the lips of any speaker who had as yet spoken. He believed that, in too many, it really based itself on an entire want of faith in the divine mission of the Church. He claimed for the English Church, from the Crown of England, the right of assembling when circumstances required it; for the Royal word, which was never broken, had been pledged for the maintenance of that right. But he claimed this right irrespective of the Crown, dating back from the time when the English Crown was not—he claimed it for this Church of England as a true representative in this land of that body which assembled first in apostolic Synod in Jerusalem—when, indeed, the Church, trusting in the presence of her Divine Head, and in his almighty power, met and had confidence in their being guided substantially aright. In confirmation of his view, he begged to call their Lordships' attention to an article written in a paper which was acknowledged to be at least connected with those in authority—if not in some sort their recognised organ—and which, it might therefore be supposed, would not put forth anything very shocking to those with whom it was so likely to be identified. [The MARQUESS of LANSDOWNE: What is the name of the paper?] The *Globe* newspaper.

"The Church of England, as by law established, is emphatically a creature of this world.

> It is impossible to affix any intelligible character to her profession or practice, unless we bear steadily in mind that she is essentially a machine for embodying the spiritual element in the changing public opinion of the day, and not a contrivance for transmitting sacraments or defining creeds. On any other theory such a Church as we have in England is either a contradiction or a living outrage on every pretence of religious independence. Her government by the Prime Minister, her passive immobility, her obstinate silence, the absolute nullity of her censures, the thousands of her professing adherents who laugh outright whenever her ministers outstep the modest sphere of officebearers in a national establishment—these are all incidents and marks of bondage which would be too intolerable for the meanest sect of Jumpers to submit to, which the Roman Church derides and scoffs at from her pride of place, the recognition of which would be degrading beyond belief to a purely spiritual establishment, but which become, we do not say merely intelligible, but suitable and decent, in our department of public worship. These facts cannot be got over; and, however they may jar with the superb tone which the Elizabethan Reformers sometimes assumed in an unwise deference to the prejudices of their day, it is foolish to ignore them, and dishonest to speculate on the faith that the uninstructed rich or poor may do so. It is a great misfortune that the true position of the Church of England was not brought out more clearly, we may say, more offensively, in the sixteenth century. A real Nag's Head consecration would have saved us from a world of our present difficulties."

He believed that the spirit which breathed through that article animated, however unconsciously, many of those who objected to the synod which they advocated. Those who believed that the Church was this convenient human instrument, this active useful police to keep down troublesome people, without any presence of God to guide her, without any truth of God for which she and lived, for which it were well, if need be, that she should fall, would refuse, no doubt, to give her a true synodical action. He deeply regretted to hear it asserted, and that from lips which could not mean it, that Convocation did very little in settling the Articles which were agreed upon at the Reformation. They were told that because the words of those Articles had been settled by Committees, and then only ordered by Convocation, that therefore Convocation had very little to do with them. But surely this was a strange argument; for the question was not by whom they were mechanically drawn up, but by what authority were they propounded, and as to that there could be no doubt. The very title to the articles settled the matter, for we read there in our Prayer-books that—"These Articles were drawn up by and agreed to by the Clergy in their Convocation, and assented to by the Monarch." The words were well chosen, and showed the part which Convocation took in the matter. And let no one think that this was a trifling question, or a war of words. Either the Church was in this land the representative of that Christian Church established by Jesus Christ, or she was the mere creature of the State. Let them not deal lightly with the alternative. If they thought that her earthly dignities gave to her her standing and power—if they thought that they might, so long as they maintained these, safely suppress her higher character—they were doing that which would give the Church of Rome more power against them than twenty thousand such Acts of Parliament against aggression, as they would soon see, could cure. But they were told that Convocation would endanger the peace of the Church. And in answer to this it had been said by his noble Friend opposite that he would rather have truth than peace. Would his noble Friend allow him slightly to amend his expression, and he would say, he would have that peace only which was consistent with truth, for that was the only true peace. Peace in error was not peace; it was death instead of peace. He could not forget, when such a peace was praised, the words of Him who said to those who longed for it of old, "Think ye that I am come to send peace on earth? I tell you, nay, but a sword." To find peace only in striving against error was, from the very first, the Church's charter. It was by the contentions of successive Synods which had defined the faith against the errors of successive heresies, that they had themselves received the original deposit of the faith. Each of those Synods was a time of contention; in some concerning doctrine, in others concerning discipline; but out of them all came a time of real peace. As when a wise physician brings to light and cures the secret evils of the body, he does not make the evils which he detects and handles, so the Synods did not cause the evil which for the time they seemed, it may be, to exasperate. They dealt with these evils, and by dealing with them cured them. Synods were the vent for such evils. It was when the pent-up throes of a mighty volcano found no vent at its crater that it shook the earth with its smothered heavings and intestine strivings; and so it was in the Church. Such repressed strifes were not peace, but the causes of a deeper and more dangerous disquietude. So it had been eminently of late years in our own Church. That seeming peace, of which some were so enamoured, had been fertile in the most real division; and though, if they had possessed then true synodical action, outward peace might seem to be endangered by such living action in their Church, they might throughout those seeming strifes have reached a far truer harmony. How, indeed, can there be peace on any other terms than these? For the causes of difference are not light unimportant opinions, but principles which touch the heart and centre of men's being. How can you hope to find unity as to these by stamping an iron silence on men's souls? My Lords, you have seen the fruit of this attempt. You have seen men, for the sake of the convictions they have thus reached, give up the friends, and homes, and associations of a life, and in so doing give up more than life itself; you have seen such men lost to you, who might, I verily believe, have been saved, had the Church possessed the visible life of action, and been able to consider their difficulties, and manifest to them that she did hold that after which they longed. It is only by mutual explanations and definitions, by united acts, by the incidents of a common life, by the self-assertion of possessing spiritual being, that such evils can be warded off. Men of the noblest hearts, and of the strongest intellects, had been led into the deepest error, he believed, mainly from the misfortunes of the times, because their spirits were driven in on themselves, to eat their souls in comfortless despair. But if they had been allowed to discuss these questions in the presence and with the aid of the Blessed Spirit of God to guide them aright, if there be any truth in God's own word, the result must have been most different. But, again, we are told that the assembling of such a Synod would give power to men of extreme and dangerous views. Why should it be so? Who are the persons who obtain the greatest power in lawful Synods? Why, the most learned, the most moderate, and the most judicious persons. When a demagogue went about inflaming men's minds, how often did they not hear it said, "Oh, let him get into Parliament; there he will find his level." And why was this? Because in that lawful assembly, met under due authority, met for strictly practical purposes, the mischievous demagogue became an innocent nuisance. And this would be the case in the higher assembly, the restoration of which he advocated. But they were told that it would be a novel experiment—that, in fact, it would be an innovation. He must beg to remind them that we had learned from an authority as old as Lord Bacon that time was the greatest innovator. To attempt, then, to stereotype past observances was a most dangerous innovation, for it brought upon them the tooth of time, with its most virulent effects. Again, it had been said that the introduction of the lay element into the Synod would be a great change—that to frame such a body would be an untried experiment. But was this so? True, they had no such Synod of the Church sitting in London; but their Church had one which met in annual Convention; for across the broad Atlantic, their Church, their own Church planted in America, met annually in such a Synod as he desired to see amongst themselves; and, instead of perishing under its dangers, found in it such strength that it alone, of all the religious bodies into which that great nation was divided, actually gained upon the increase of its multiplying population. To that, then, he pointed as a practical answer to this objection. He had no fears of the influence of the laity of the Church in her decisions. Nay, with him one main reason why he desired to see synodical action restored to the Church was because the laity had now scarcely any legitimate authority or mode of acting in their Church. There was something like clerical acting, but there was no lay acting. Sometimes a meeting was got up in London by persons calling themselves lay members of the Church of England. But that was not the due and legal action of the Church's laity. A layman meant a member of the Church of Christ who was not ordained. Now, so defined, he contended that the laity had scarcely any legitimate power left in the Church, and he deeply regretted it, for that reason amongst others, and wished to see synodical action restored. It was formerly exercised in two ways, through the Crown of England and through the House of Commons. It was exercised originally through the Crown, and it had been said that the Crown was the acknowledged lay element of the Church of England, and was so now. But when noble Lords spoke thus they must be reminded of the change which had passed over the powers of the English Crown. They were drawing these notions from a time when, upon the House of Commons venturing to take in hand the questioning of some matters bearing on religion, they received the reprimand of their somewhat imperious Mistress, and the Member who offended was committed to prison and fined by the Star Chamber. When noble Lords talked of innovation, let them remember that time had so innovated that all the personal control of the Sovereign over the Church was nearly gone; and so it was as to the second seat of lay power within the Church. So long, indeed, as the House of Commons represented the Church of England, the laity of the Church of England had power over the Church. But how was it now? Would any one say that the measures discussed in the House of Commons were discussed by them as representing the laity of the Church of England? No such thing; they entered into such matters, not as sons of the Church, but as members of the commonwealth, and as those dealing with some State establishment which they thought they ought to fashion as they chose. He contended that the laity of the Church of England were now almost wholly unrepresented. There was no way in which that body could act in the administration of her affairs. The next great blot was this: the great body of the clergy had scarcely any power left in the administration of the Church, and all power was thrown into the hands of the governors of the Church spiritual, and that was the most inconvenient, unconstitutional, and unhappy arrangement possible. It drove them to shrink from difficulties, or tyrannically to set up their own will as their rule. It was impossible for them, with dioceses to govern, with an Establishment which was intended to contain the extremes of opinion upon each side so long as the holders of those opinions would agree to sign common Articles and use common Formularies, with one party when in the ascendant, clamouring to have the opposite party excluded, with the other party when in the ascendant clamouring to have their opponents suppressed — with common use often one way, and the rule of authority another—it was almost impossible for men thus situated to discharge their duties satisfactorily. The reproaches cast on the bishops were, in great measure, not the result of the fault of the men, they were the fault of the unnatural circumstances in which they were placed—circumstances in which the Church of Christ never intended to place them, but in which they had been placed by the lapse of time. To meet these great difficulties, and with no want of perception of the dangers of the other side, he desired to see the Church of England duly represented in a lawful synod—the bishops in their true place, the clergy in theirs, and the laity in theirs—to see them all consulting together, for the common welfare of all; he only wished to see them go back to that which was established when the Church was in her cradle, and when the Apostles, and Elders, and Brethren, met together to consult for her welfare, and because they did so meet together, dared to claim the promised general guiding of that God for whose leading they sought. That which was then begun in the Church had since remained in its essential element, and it was that which he desired to see granted to the Church of England. He wished for no priestly domination, no episcopal tyranny. Rather he wished to part with some of the power which had been lodged inconveniently in the ruler's hands. The noble Duke fell into an error from not recognising the difference between a man saying it was the office of those to whom Christ had committed the rule of his Church to decide in matters of doctrine and controversy, and denying that the laity should be allowed to take their full and fair share in deliberation for the welfare of the Church. And even, go one step further, was it not one thing to say there would be nothing contrary to the institutions of the Church in letting the lay members of the Church decide on matters of doctrine, they being of the Church; and was it not another to say that a body linked in no way with the Church—not professing to have its members belonging to it as individuals—some of them known to belong to other bodies, some of them known to be hostile to the peculiar claims of the Church of England—should assume to settle the doctrines of the Church of England? There were many evils connected with the present state of things, and he saw no power to remedy those evils except in the power of internal regulation—a power which every organised party possessed. It was the secret of life that it could hold together discordant elements in operation. Science had taught us that in all living bodies there was the equal balance of contrary powers, held together in their harmonious work by that which we termed the mystery of life. And so it was in the living Church of Christ. It never had been the condition of the Church of Christ to have perfect unity of opinion. The constitution of men's minds made that impossible. The office of the Church of Christ was not to extinguish all difference of opinion, but, like the office of life in the human body, to make it possible that such differences should co-exist together in harmonious co-operation; and, doubtless, it was for this reason amongst others that it was formed by its Divine Founder, and endued with the presence of the Spirit. If they would handle that mysterious thing which had come down to them in this land from the first ages of Christianity, the living Church of Christ —if they would handle that as some mere instrument of human device—if they would attempt, by external regulations, to make it speak language which it had not learned from its Lord, and do acts which it could not justify by His precepts, they might promise themselves peace, but they would find death; they might promise themselves success, but they would find that life had departed from that which would have been their choicest instrument, and left them wholly incompetent, as every anti-Christian nation had been, to deal with the manifest corruptions and unnumbered evils of the body politic which they had to administer.

The MARQUESS of LANSDOWNE stated, in explanation, that what he had said was, that it was by a series of accidents that Convocation had acquired the power, the habit, of discussing and settling doctrines appertaining to the Church, and he apprehended the statement was borne out by history. The translation of the Word of God, which it had been truly said in the course of this discussion it was the characteristic of the Church of England to adhere to, was formally promulgated and enacted without any reference to Convocation. The Common Prayer Book, the most essential element in the Church of England, and that which gathered around her her votaries and followers in one common worship, was compiled without Convocation. Although they passed Convocation, the Articles of the Church did not become law in consequence of having passed Convocation, but were adopted by the Sovereign, and made law by Parliament, both the Sovereign and the Parliament altering those Articles before they made them into law. The most important elements of which the Church of England was composed, and by which she had been subsequently regulated, were laid down without any reference to or sanction by Convocation. These things were a convincing proof that Convocation was not the established mode of promulgating the doctrines and governing the Church of England. It was in that sense that he said it would be a novelty to establish Convocation for that purpose. He did not say it was a novelty unfit to be considered, and he did not say that the Church of England was in that happy state that nothing could be done. He wished some means could be pointed out by which a degree of perfect tranquillity could be introduced; but he did not see his way with sufficient confidence to the establishment of the tribunal now proposed, so as to induce him to say that he was prepared to become a party to advise the Crown to establish what he considered an uncertain, if not a dangerous innovation.

The BISHOP of OXFORD explained.

LORD REDESDALE replied, he did not see why a change could not be produced in the same way in which the Articles were agreed to by Convocation. They were not drawn up by the Convocation, one person suggesting a word here and another there, but the matter was entrusted to sober-minded men, who met to devise a plan in the same way that the Government with which the noble Marquess was connected in 1831 advised the alteration of the constitution of the House of Commons. When Convocation sanctioned the Articles and made them binding upon the Church, it did its duty in a desirable and efficient way; and he entertained a hope that the difference which had been anticipated would not take place, if measures were carefully prepared by those in whom the Church had confidence.

On Question, *agreed to.*

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, July 11, 1851.

MINUTES.] PUBLIC BILLS.—1° Local Acts (Preliminary Inquiries); Victoria Park; Metropolis Buildings.

3° Court of Chancery and Judicial Committee.

METROPOLITAN WATER SUPPLY BILLS.

MR. T. DUNCOMBE said, in proposing the question of which he had given notice to the right hon. Baronet the Chairman of the Committee on Water Supply (Sir James Graham), he begged to assure him that nothing was further from his intention than in any way to hurry or to embarrass the proceedings of that Committee. It was a matter of very great importance to this city, and he thought the House and the country were much indebted to the Committee for the manner in which they had pursued their labours. But the House was well aware that considerable irritation, and perhaps alarm, existed in the public mind from the belief that it was the intention of the Government, whether the report of that Committee was made early or not, to force legislation on the subject during the present Session. He believed the apprehension on the part of the public was unfounded; but he believed it would be much better if the right hon. Baronet would favour the House as to the prospect of the proceedings before the Committee closing, that they might come to some understanding with the Government as to their intentions during the present Session. The question he had to ask was, whether, in the event of the present Session of Parliament terminating about the usual period, there is any probability of the Committee completing its inquiry within sufficient time to enable this House to give any measure for an improved supply of water to the metropolis that consideration which so important a question demands?

SIR JAMES GRAHAM said, that the Committee of which he was a Member had prosecuted their inquiry with all the diligence and attention which they could apply to the subject. The House was aware that many Bills had been referred to them, the first to which their attention had been given being that of the Government, and there were four or five others which remained to be considered. The preamble of the first Bill was now under consideration. The promoters of that Bill had closed their case, and the opponents of it had been divided into two classes. The first class was that of those who contended that if there be a new control to be exercised over the supply of water, it ought to be exercised by a principle of self-government, by local bodies chosen by popular election. The first class of objections were now being heard, and their case had not yet closed. The second class were the existing water companies, who were dissatisfied with the plan of the Government, which was an amalgamation of the companies, and that second class had not yet opened their case. His hon. Friend's question really resolved itself into a nice speculation upon two remote probabilities—first, the contingency of what time the case would be closed; and, secondly, the duration of the Session. He might say that the labours of the Committee would be pretty nearly co-extensive with the ordinary duration of the Session; and that branch of the case now under consideration was showing to them evidence of the water question being necessarily and intimately connected with the sewage question. What would be the probable duration of the inquiry under those circumstances, his hon. Friend could form as good an opinion as himself.

MR. SPEAKER said, he must express a hope that the answer which the right hon. Baronet had been allowed to give, would not be drawn into a precedent. Both the question and the reply were irregular.

REGISTRATION OF ASSURANCES BILL.

SIR JAMES GRAHAM then rose and said, he had to present a petition which he considered of very great importance. It was from the Incorporated Law Society of Solicitors and Proctors throughout the United Kingdom, and it was against the further progress of the Registration of Assurances Bill. It set forth that they had been charged with having an interest in this Bill adverse to the landed proprietors. They disclaimed having any such interest, because, although the Bill would diminish the number of transfers of land, yet the cost of each transfer would be considerably greater than heretofore. They then set forth that this Bill, as it had come down from the House of Lords, would render it necessary to have all deeds in duplicate, and that it would lead to a disclosure of family arrangements and settlements, which they considered unsafe; that the experience of the registration in Middlesex afforded a very doubtful example; that the Bill would be adverse to the sale and purchase of small properties in land; that it involved a principle entirely at variance with the stream of modern legislation on real property; that the machinery provided by the Bill was inadequate; and under all these circumstances, considering the advanced period of the Session, they requested that the Bill should be postponed, or at all events that there should be some inquiry before a Select Committee into its merits. He wished to ask the noble Lord at the head of the Government whether he intended to proceed with the Second Reading of the Bill that evening; and, if such were his intention, whether he proposed to press the Bill through to its final consummation this Session?

LORD JOHN RUSSELL said, that it was not his intention to move the Second Reading of the Bill that evening. It was a Bill of such importance, that it was desirable to have its nature and objects clearly stated to the House on the Motion for the Second Reading; and he had therefore asked his right hon. Friend the Master of the Rolls, to move the Second Reading. He proposed that it should be taken on Monday, the 21st inst., and it certainly was his hope, considering the very great importance of the subject, after it had been considered by a Commission for a very long time—after it had been before the House of Lords, and had obtained the general consent of those Members of that House who were learned in the law—it certainly was the intention of the Government to press that Bill this Session. It might be convenient that he should state the arrangement of public business for next week. They would have a Committee of Supply that night, and he should take Supply again on Monday, after the third reading of Bills not likely to lead to discussion, and again on Thursday next. If they were enabled to get through Committee of Supply on Thursday, the Chancellor of the Exchequer would move on Friday the Third Reading of the Customs Bill, on which occasion the right hon. Gentleman the Member for Stamford (Mr. Herries) would, according to his notice, make a statement to the House by way of amendment to the Bill. He (Lord J. Russell) did not propose, however, that they should move the Third Reading of the Customs Bill until they had got through Committee of Supply, and it would only be in case they got through it on Thursday that he would proceed with the Customs Bill on Friday.

THE ECCLESIASTICAL COMMISSION AND THE INCOMES OF BISHOPS.

SIR BENJAMIN HALL begged to ask the noble Lord at the head of the Government the several questions, of which he had given notice, respecting the incomes of the bishops; and which were as follows:—

"The septennial period having arrived for the revision of episcopal incomes by the Ecclesiastical Commission, and it appearing by Parliamentary Paper No. 400, that during the last fourteen years the Bishop of Durham has received 79,658*l.* more than the income assigned to his see; and, during the last seven years, the Bishop of Chichester has received 1,230*l.* more than the sum assigned to his see as net income, and has taken from the Ecclesiastical Commission 4,550*l.* to make up an imaginary deficiency of income; the Bishop of St. David's 6,626*l.* more than the income assigned to his see, and has taken 11,200*l.* from the Commissioners; the Bishop of Oxford, in five years, has received 1,918*l.* surplus, and has taken 17,567*l.* from the same fund; the Bishop of Rochester, in four years, 2,279*l.* surplus, and 14,000*l.* from the same fund; the Bishop of Norwich, in seven years, has received 8,075*l.* more than the income assigned to his see; and the Bishop of Salisbury 6,972*l.*, being a total of 27,100*l.* more than the incomes assigned to their several sees—to ask, 1st, Whether is is the intention of Her Majesty's Government to propose any legislative measures for obviating the inconvenience and occasional hardship resulting from the present uncertainty of episcopal incomes, and prevent the episcopal body from receiving a larger amount of income than the sum assigned to their sees; to ask, 2ndly, Whether the bishops who have received larger incomes than were assigned to their sees have paid the surplus over to the common fund, or whether they have retained it for their own uses? 3rdly, It appears by the Parliamentary Paper No. 400, that the Archbishop of York is indebted to the Ecclesiastical Commissioners 2,317*l.*; the Bishop of Ely 9,242*l.*; the Bishop of St. Asaph (notwithstanding great deductions) 1,661*l.*; total 13,220*l.*: and it appears also by the Parliamentary Paper No. 153, the Ecclesiastical Commission have failed, by correspondence, to obtain the payment of those sums—to ask whether the Ecclesiastical Commission intend taking legal proceedings for the recovery of the sum due, and, if not, what course they propose to take in order that the Common Fund may not be deprived of the amount so long due, and so repeatedly demanded. 4thly, Whether it is true that the Bishop of Salisbury has intimated to the Ecclesiastical Commission, that he will surrender the property of his see to the Commissioners, and receive from them the income assigned to his see; and whether any other bishops, who had received more than the income assigned to their sees, have acted in a similar way?"

LORD JOHN RUSSELL said, the House must be aware that an Act of Parliament was passed several years ago, by which the bishops were required to pay over certain sums which were beyond the sums that were assigned as the proper income of their sees, and that other of the bishops were to receive certain sums which were proposed to make out the income of their sees. Such being the case, all those bishops who received from that time their bishoprics were under the provisions of the Act of Parliament. Lately, a Bill passed which provided another mode, namely, that the Ecclesiastical Commissioners should make an arrangement by which the incomes of the bishops should neither exceed nor fall short of the sum assigned to them, and that was to take place from January 1848. With regard to these latter bishops, the Ecclesiastical Commissioners had been considering, and were now considering, the means of carrying that provision and the law into effect, so that the Archbishop of Canterbury, and the other bishops who received their sees since January 1848, will receive exactly the income which Parliament had assigned to them. With regard to the other bishops, as to the propriety or justice of the arrangement, of course it was not a matter on which he was then called on to speak; but it was quite evident that those bishops who received their incomes under the provisions of the former Act had just as much right to them as any person had to an estate settled on him for life, and that there would be no more justice in Parliament interfering with those incomes than with any other private property. With regard to the facts, he believed that, generally speaking, the bishops who had received more than the sum assigned to them under the Act, had retained it according to their rights by law. At the same time, he should state that the Bishop of Durham was an exception, because he had paid over a larger sum than he was compelled to do. It had been supposed, that if he gave up 11,000*l.* a year, and surrendered an estate of 2,000*l.* a year, it would have reduced his income to 8,000*l.*; but he had paid to the Commissioners an additional sum of 8,766*l.*, and he had also intimated to the Commissioners his intention to pay a sum of 3,000*l.* a year more than was specified by the Act, so long as he held the see. It should likewise be stated, that he succeeded a bishop whose income was 23,000*l.* or 24,000*l.* a year, and whose charities, and expenses in his diocese, including contributions to new churches, increasing the incomes of the poorer clergy and the like, were commensurate with it. Thus very considerable demands had been thrown upon the present bishop, and he had contributed no less a sum than 45,460*l.* in this way. The next question of the hon. Gentleman related to those bishops who were obliged, according to the Act, to pay over certain sums which it was supposed would be in excess upon the incomes assigned to them. Those bishops, generally speaking, had complied with the law; but at the same time there were some who had received much less than it was expected, and the consequence had been, they had been unable to pay over the entire sum due from them. Thus the Bishop of Ely was indebted to a considerable amount to the Ecclesiastical Commissioners; but at no time had he received more than the income which was assigned to him originally by the Commissioners, and by the Act of Parliament. The arrangement made by the Commissioners was certainly not to proceed by law against these prelates, but to inform them from time to time in what sum they were indebted, and request them to pay as soon as they could what was due. He believed that the Archbishop of York had already paid all he owed; and the Bishop of St. Asaph's had been for some time engaged in reducing his debt, which in a very short time would be paid off. There remained, therefore, only the case of the Bishop of Ely; and there was every reason to suppose that the Bishop of Ely, if he lived, would, from the emoluments of his see, be able to pay the sum due from him. The Commissioners, certainly, seeing that he did not receive the amount assigned him, had forborne pressing him, being quite convinced of his willingness to pay over the sum due when income would allow of it. The further question of the hon. Gentleman was with regard to the Bishop of Salisbury. He was the only bishop whom he (Lord John Russell) had seen since his hon. Friend had given notice of his Motion; and the right rev. Prelate had put into his hands a letter, which he had written in the month of February last, and in which he proposed to the Ecclesiastical Commissioners that his income should be in future that which had been assigned to his see by the Commission, namely, 5,000*l.* a year. The right rev. Prelate had therefore voluntarily come under the provisions of the Act of Parliament. The Commissioners had accepted the proposal, and in future he would receive a fixed income, like the Archbishop of Canterbury, who was by law under the Act. He (Lord J. Russell) did not know whether any other bishop had followed the example; but in the course of time all the sees would come under the operation of the Act of Parliament.

THE LAW OF QUARANTINE—GREECE—PERSIA.

MR. URQUHART wished to ask the noble Lord the Foreign Secretary—first, whether any steps had been taken by the

Government with regard to the proposed conference at Paris on the law of quarantine in the Mediterranean; secondly, whether any thing had been done respecting the settlement of the claims of Greece; and, thirdly, whether he proposed to lay on the table the orders, and returns to the orders, passed by the House as to the Turco-Persian frontier ?

VISCOUNT PALMERSTON said, in answer to the first question of the hon. Gentleman, that the Government had been invited some months ago by the Government of France to take part in certain conferences to be held somewhere in France, probably in Paris, on the subject of quarantine, to which conferences all States having territories bordering on or within the Mediterranean were invited to take part. Her Majesty's Government were sensible of the extreme importance of the matter, and were very anxious to obtain certain modifications and improvements in the existing regulations of the law of quarantine, and, therefore, had no hesitation in accepting that invitation. The conference was to be held in the course of a few days, he believed, at Paris, and the Government had appointed a medical man and a consular officer to attend it. As to the claims on Greece, they were all settled last year, with the exception of that of Don Pacifico, on account of alleged losses occasioned by the destruction at Athens of certain documents connected with claims he purported to have against the Government of Portugal. The House would remember that the principle laid down by the British Government on the matter was, that to whatever extent Don Pacifico could show that he had been prevented, by the loss in question, from substantiating any claims of his against the Portuguese Government, to that extent the Greek Government was bound to indemnify him. This principle had been adopted by the Government of Greece and by the Government of France, and accordingly Commissioners on the part of England, France, and Greece respectively, had met at Lisbon, where, after close inquiry, they found that all the documents upon which Don Pacifico grounded his claim, existed, in original or in duplicate, in the archives of Lisbon, so that the destruction of any copies at Athens did not at all prevent Don Pacifico from substantiating his claim. The Commissioners, however, in consequence of the inconvenience and expense to which Don Pacifico had been subjected in prosecuting the matter, recommended that a sum of 150*l.* should be paid to him by the Greek Government, which sum Don Pacifico had accordingly received. As to the hon. Gentleman's third question, he rather thought that the papers the hon. Gentleman sought had been already presented; but, if not, they should be laid on the table.

COURT OF CHANCERY AND JUDICIAL COMMITTEE BILL.

Order for Third Reading read.

Motion made and Question proposed, "That the Bill be read a Third Time."

SIR HENRY WILLOUGHBY said, that he did not mean to object to the third reading of this Bill, but he protested against the mode adopted of paying the Judges, who ought not to be paid out of the Suitors' Fund, but out of the Consolidated Fund. He protested also against this measure being considered as a reform in the Court of Chancery. He did not deny that two new Judges might not palliate some of the evils which arose from the delay of business in that Court; but he hoped the Government would bestow their serious attention upon the evils of the present system, and devise some speedy remedy. Don't let the Government imagine that, having passed this measure, they had settled the question of Chancery reform, or any thing of the sort. The present fee system, with its 100 fees, and its 40 feetakers, was one of the grand bases of the mischief, and must be utterly removed, and an end must be put to the anomalies and mystifications, and corruptions, and extortions of the Suitors' Fee Fund and the Suitors' Fund. It was but last year that he had presented the petition from the Corporation of Hastings, stating that an unopposed claim for 136*l.* cost them 189*l.*

MR. HUME was of opinion that the Suitors' Fund and the Suitors' Fee Fund might be consolidated with advantage.

SIR GEORGE STRICKLAND protested against this Bill being considered any answer to that demand which was now so universally made for the reform of the Court of Chancery. He quite agreed with the right hon. Baronet the Member for Ripon (Sir J. Graham), who had stated that this was beginning at the wrong end. It was necessary to reform altogether the system which caused such ruinous delay. His opinion was that, instead of being any real benefit to the people, this Bill would only add to the grievance of which they already complained. He knew of an instance in which the Court of Chancery took nine years to decide whether it had jurisdiction over a cause. The matter was ultimately tried in a Court of Common Law, and the whole merits of the question were absolutely disposed of in nine hours. The preliminary point of jurisdiction would have been decided by a Judge at Chambers in ten minutes or a quarter of an hour.

LORD JOHN RUSSELL had not at all put forward this measure as the Chancery Reform Bill which was required to meet the case. The question of fees was one which merited the amplest consideration, and he should be most glad, when the materials were before him, to apply his best efforts to remedy every evil connected with that and all other branches of the system.

MR. ALCOCK said, he felt bound to complain that no provision was made by the Bill respecting the Church patronage of the Lord Chancellor.

MR. SPEAKER intimated that the hon. Member was out of order, as the patronage of the Lord Chancellor had nothing to do with the question before the House.

MR. SLANEY said, he did not mean to oppose the Bill. But as he had been the Chairman of a Committee for inquiring into the mode in which the suits of persons engaged in commercial transactions were conducted, he felt it his duty to warn the House and the Government of the pressing necessity of passing some measure for facilitating the settlement of those suits. No judicial arrangements could be more cumbersome, expensive, and unsatisfactory, than the present mode of terminating before the Court of Chancery disputes which arose out of commercial partnerships.

Bill read 3°, and *passed.*

THE BISHOP OF ST. DAVID'S.

On the Question that the Speaker do leave the Chair to go into Committee of Supply,

MR. MONCKTON MILNES said, he was requested by the Bishop of St. David's to give his unqualified contradiction to an assertion which was made the other evening by the hon. Baronet the Member for Marylebone (Sir B. Hall). The hon. Baronet asserted, without any proof, that that distinguished prelate had prohibited his archdeacons from visiting that diocese. Now, he (Mr. M. Milnes) was authorised to state that the right rev. Prelate had never forbidden them to visit any portion of his diocese. When the Bishop of St. David's came into the diocese, it was true that the archdeacons were not in the habit of visiting. One of them was the vicar of Carmarthen, a large parish with a very poor living; and another was the master of an academy in Edinburgh, and therefore lived out of the diocese and the jurisdiction of the bishop. A third (Mr. Davies, he believed) was in the continual habit of visiting his archdeaconry. He (Mr. M. Milnes) was quite sure that the distinguished Prelate would be the last man in the world to wish to impose upon the House in any way, as to the condition of the diocese. He (Mr. M. Milnes) believed that the right rev. Prelate was agreed on all fundamental points with the hon. Baronet as to the miserably neglected condition of a large portion of his see; but this arose from circumstances over which the bishop had no control. The archdeacons had not been appointed by him, nor could he dismiss them; and therefore the hon. Baronet really had no grounds for bringing an accusation against a prelate not more distinguished by his European reputation for learning, than by the simplicity and frugality of his life, and his genuine Christian charity. On a former occasion the hon. Gentleman had made an attack upon the right rev. Prelate, which, however, on further reflection, he had withdrawn, namely, that he (the right rev. Prelate) had appointed himself Dean of Brecon; and he (Mr. M. Milnes) therefore hoped that the hon. Baronet would also withdraw this assertion, which was equally unjustifiable.

SIR BENJAMIN HALL: I have been asked by the hon. Gentleman the Member for Pontefract to withdraw this assertion. I decline to do any such thing. The statement I made to the House was this. In describing the condition of the diocese of St. David's, and quoting from the Report to the House of the Commission which was appointed by the right hon. Baronet the Member for Ripon (Sir J. Graham) to inquire into the state of education in Wales, and which had reported on the most lamentable condition of the churches in that diocese, I said, that notwithstanding this Report had been laid on the table of the House, and that the greatest publicity had been given to it—notwithstanding that it had been brought under the notice of the right rev. Prelate himself, and notwithstanding that there were four archdeacons in the diocese—

there had not, to the best of my belief, and I believe so still, been a single visitation during the eleven years Dr. Thirlwall had been in the diocese. I also stated, that I was informed in conversation with one of the archdeacons, that the bishop had prevented himself from holding an archidiaconal visitation. That was the statement I made to the House, and by that statement I will abide. It is for the right rev. Prelate to settle the matter with the archdeacon who gave me the information upon which I founded my statement: but it so happens that this very morning I received a letter from the archdeacon, inclosing a communication from the bishop, in which he desires to know the circumstances of the case. It would certainly have been more convenient, I think, both for the bishop and for my hon. Friend (Mr. M. Milnes) if he had followed my advice, and had first looked at my answer, which I was prepared to place in his hand, and which I would have brought down to the House had I been informed that he was about to introduce the subject. In my answer to the archdeacon, I have recalled to him the conversation which I had with him at my own house, and in which I expressed my regret at the lamentable and disgraceful state of the diocese of St. David's, and also that he, being one of the archdeacons, should not have had a visitation. In reply he told me that he was prepared to make a visitation, and had got ready his charge written in the Welsh language, to read to those who should have come to hear it, but he was prevented by the bishop from making that visitation. That is my statement, and to that statement I will abide. I declare that I never saw any diocese, or any place in the United Kingdom, in so disgraceful a condition as regards the state of the churches, as may be seen by a reference to the report of the Government Commissioners. If any hon. Gentleman will go himself into the diocese, he will find churches without windows and without roofs, and yet an archdeacon is not allowed to make visitations.

MR. MORRIS was a resident in the diocese of St. David's, but he had never heard that the bishop had prevented archdeacons' meetings. On the contrary, he had regularly seen notices of the visitations in the country papers, and therefore he supposed they had been regularly held. He would venture to say that there was not in the whole diocese a clergyman who worked harder than the bishop who presided over the see.

Subject dropped.

CATHEDRAL TRUSTS—THE ROCHESTER GRAMMAR SCHOOL.

Order for Committee of Supply read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. MOWATT said, he rose to call the attention of the House to the case of the Rochester Cathedral Grammar School, and to the administration of the Educational Trusts confided to the Cathedral Establishments of the Kingdom. The subject was not altogether alien to that just discussed, and was one of the greatest reproaches to the Church of England. Though his Motion related to the oppression which had been suffered by an individual in a good cause, it was intimately connected with the question of education generally, in which all parties and classes in this country had of late interested themselves. The particular case he would dismiss in few words. Early in 1848, the Rev. Mr. Whiston, then head master of the Rochester Cathedral Grammar School, applied by letter to the dean and chapter, under whose more immediate authority he held his office, representing to them that the fittings and other ordinary necessaries of the grammar school were defective, and pointing out that the four exhibitions attached to the school—which he hoped to make one of the great inducements to the gentry of the neighbourhood and the middle classes to send their sons there—were altogether insufficient, and unsuitable to the necessities and wants of the parties holding them. He pointed out that, although in 1542, when the school was endowed, in common with the cathedral institution, of which it formed a part, the sum of 5*l.* allotted to each exhibitioner was amply sufficient, being equal to about 80*l.* at the present day, yet that it was now palpably inadequate for the purposes for which those exhibitions were originally established. But without the smallest reference to the manifest intention of the donor, or the increased value of the estate, the literal 5*l.* only was continued to be doled out. The dean and chapter answered, to the effect, that although they admitted the facts to be substantially correct, he (Mr. Whiston) was wrong in the inference drawn as to the obligation imposed upon them by the statutes. Mr. Whiston replied by quoting at length and verbatim various extracts from the statutes by which the cathedral and grammar school of Rochester were founded and endowed by the munificence of Henry VIII. The dean and chapter cut the matter short by desiring Mr. Whiston, as one who was in their service and employment, and consequently from whom they had a right to expect deference and obedience, to close the correspondence. He, having at heart the welfare of the school, appealed instead to the public. He first, however, made some further efforts to arouse the dean and chapter to a sense of their duty; and, amongst other steps, he submitted a case to the then Attorney General, Sir John Romilly, and another eminent lawyer, Mr. W. D. Lewis of the Equity bar, inviting their opinion as to the construction of the statutes. Finding, however, single-handed and powerless as he was, that he was unable to obtain redress from that wealthy body, he ultimately published a work, entitled, *Cathedral Trusts and their Fulfilment*, having for its object to arouse the attention and invite the sympathy of the public on behalf of a cause so well advocated, and its interference between himself and the Dean and Chapter of Rochester. For this offence, as they were pleased to term it, they dismissed him from his office, alleging that a man capable of making statements reflecting indirectly so grossly upon the character of the clergymen composing the deanery and chapter of Rochester was altogether unworthy to be entrusted with the instruction of boys at that grammar school. Such a conclusion as that would altogether depend on the truth or otherwise of the facts put forth in the rev. gentleman's work, and on the spirit in which he commented upon those facts, supposing them to be true. If any obloquy attached to the dean and chapter, it was simply because the facts were true and undoubted, and not because of any comments which he had thought it his duty to make. The facts themselves were of so damning a character to that body, that any comment on them was superfluous. This case was of necessity mixed up with the question of the administration of educational trusts by the cathedral bodies of the kingdom generally; and it was impossible to treat of this single case without touching on the grammar schools connected with other cathedral bodies. The preamble to the general statutes regulating cathedrals stated, amongst other things, that these bodies had been founded and endowed for these purposes—

> "That youth might be liberally trained, old age provided with things necessary for living, that there might be liberal largesses of alms to the poor—for the repairs of roads and bridges—and that other offices of piety might thence flow abroad far and wide to all the neighbouring places, to the glory of Almighty God, and the common welfare and happiness of the subjects of these realms."

The words of the Rochester statutes plainly showed that the grammar school boys, and the four exhibitioners, had a claim upon the foundation for their "sustentation," in the words of the statutes. In page 89, it was stated, "We ordain that there shall be for ever, in the founder's church at Rochester, twenty poor boys maintained out of the cathedral revenues." That was repeated in the statutes half a dozen times, in one shape or another. A few lines farther was the following: "We will that these boys be maintained, or have their alimony at the cost of our church at Rochester." In page 10, again, it spoke of those boys as "those who are maintained at the charge of our church." At page 36, they were spoken of as "the boys learning the grammar, and having their victuals or living given them for nothing." Subsequently, in page 107, it spoke of "the four students or scholars sent with exhibitions to the two universities." It said, "We ordain that out of the funds of our Church four poor scholars be always maintained in our universities." The revised cathedral statutes of Elizabeth, confirming those in all essential points, had these words, in reference to the same subject:—

> "Moreover, we ordain that out of the whole number of the grammar boys who have their sustentation in our Church, there be for ever maintained of those who have made greater progress than the rest—where fifty scholars, ten students; where forty scholars, there eight students; where twenty-four scholars, there four students; where eighteen scholars, there two students in our university at Cambridge, and the same number at Oxford, to whom let the usual stipend be paid annually, for six years, unless they shall have gained a fellowship in any one of the colleges."

Again, in the 25th chapter of the Elizabethan statutes, relating to the duties of the dean, were these words: "Let him also look after the health of those boys, whose liberal bringing up, both in learning and at the table, we commit to his honour." It was to be regretted that the founder had not provided a better security for the fulfilment of his wishes than this frail reliance. The fresh statutes of Charles I. and II. were to the same effect. These were again ratified by Act of Parliament, 6 Anne, cap. 21, confirming the rights of the boys, and repeating the very words of the statute. The Durham statute contained the following:—

> "We direct and ordain that there be for ever in the said church one dean, twelve prebendaries, twelve minor canons, one deacon, one subdeacon, ten clerks, one master of the choristers, ten choristers, two teachers of the boys in grammar, and eighteen boys to be instructed in grammar."

The words of the Canterbury statutes were similar, the number of scholars varying. He would now cite the part of the Rochester statutes allotting precise amounts to each of these classes:—

> "The dean is to have 100*l.*; six prebendaries, each to have 20*l.*; six minor canons, each 10*l.*; the master of the grammar school to have 13*l.* 6*s.* 8*d.*; the master of the choristers, 10*l.*; the second grammar master, 6*l.* 11*s.* 10*d.*; twenty grammar boys, each to be allowed 1*l.* 13*s.* 4*d.*; four students at Oxford and Cambridge, each 6*l.* 13*s.* 4*d.*, or 26*l.* 13*s.* 4*d.*

These sums, though small in the present day, were of about sixteen times the value in 1542, and thus formed an adequate remuneration to the respective officers. The House must admit that the fact contended for by Mr. Whiston as to the construction of the statutes was established—that the endowment of Henry VIII. in 1542 made express provision, foremost among other things, and only second to the more important spiritual objects contemplated, for the training and education of youth. The educational trust was, beyond all question, contemplated as one of the most important committed to the care of these bodies. Though he had specified the Rochester case particularly, his facts and arguments applied to all similar trusts. The charters were in the form of deeds of trust, requiring them to undertake the care of the schools, which was then, as now, thought a subject of vital importance. The effect of twelve or thirteen trained grammar schools upheld by these cathedral bodies, would, were the trusts properly executed, form a nucleus in all the large towns whence the most beneficial effects would flow. The cathedral of Canterbury was required to provide sustentation for fifty boys, for which 4*l.* each, or about 60*l.* at the present day, was allotted. Those boys, in the skeleton of a school at Canterbury, had been cut down from 4*l.* to 1*l.* 8*s.* 4*d.* Westminster had funds, and was enjoined to provide for forty boys. It had carried out to a great extent the intention of the founders, although of late years it had levied 3,500*l.* from the boys, on the plea of extending the building—notwithstanding that in the endowment express provision had been made for all wants relative thereto. Worcester had reduced the stipend of its forty boys, and probably the number, from 2*l.* 13*s.* 4*d.* to 5*s.* 10*d.* Ely, which had no less than 300 scholars in the 16th century, had now only twenty-four; Peterborough had twenty, and Rochester had either eighteen or twenty, making in the whole 212 free scholarships, and between fifty and sixty exhibitioners to the universities. There were, besides, twenty-four scholars at Chester; twenty at Bristol; twenty at Carlisle, where a few years ago the school was shut up altogether; and twenty at Gloucester. The whole number to be provided for by the statutes of these eleven cathedral bodies was 296, and about fifty-six exhibitors. Such a provision as this could not possibly be overrated in the present day, when the want of education was so much felt. Had the cathedral bodies carried out their trusts? He would now refer to the opinions of the Master of the Rolls and Mr. W. D. Lewis, who was an ornament to the legal profession. The questions and answers were as follows:—

> "1. Are the Dean and Chapter of Rochester under a legal obligation to allow the four university students, created by their cathedral statutes, a yearly sum of money out of the common funds of the cathedral, sufficient for the 'alimony' or maintenance of the said students, so long as they comply with the conditions of the statutes, in respect of residence at the university, and provided they take the degrees of B. A. and M. A. at the usual times?
>
> "2. Are the said dean and chapter under a legal obligation to provide for, or to defray the costs of the maintenance of the twenty foundation scholars created by the said statutes, out of the common funds of the cathedral?
>
> "3. Does not the word 'alere,' used in those statutes, impose upon the dean and chapter the legal obligation of providing for the said four students and the said twenty scholars what may be called 'alimony' to the extent of board and lodging at least?
>
> "4. Do the terms of the grant by which the cathedral lands, &c., are given to the corporation of the dean and chapter, or does the fact of 5*l.* being assigned as a pension or stipend to the said four students, and 10*d.* a week for commons, with 8*s.* 4*d.* a year for livery, and 1*s.* 8*d.* for stipend to the said twenty scholars, or does desuetude, or any other legally valid plea, release the dean and chapter from the obligation of providing for the maintenance of the four students, and the twenty scholars, to the extent of board and lodging at the least?
>
> "5. Is an appeal to the bishop of the diocese the proper step to take in the event of the dean and chapter refusing to provide the maintenance aforesaid?"
>
> "We have met in consultation on this case, and are of opinion—
>
> "1. That the Dean and Chapter of Rochester are, by virtue of the letters-patent and charters

of Henry VIII., respectively called the 'Fundatio,' 'Dotatio,' and 'Statuta,' under an obligation in the nature of a trust, to allow, out of the common funds of the cathedral, to the four university students nominated from time to time, pursuant to the statutes, a yearly sum of money sufficient for their maintenance at the university, subject to their complying with the conditions of the statutes in respect of residence at the university and taking their degrees. The treasurer of the cathedral is, by the statutes, the officer appointed to make these payments.

"2. We are of opinion that the dean and chapter, upon the same letters-patent and charters, are under an obligation in the nature of a trust, to provide for, or to defray the costs of the 'maintenance' (according to the language of the statutes) of the twenty foundation scholars, nominated pursuant to the statutes, out of the common funds of the cathedral. The treasurer is also the officer appointed to make these payments.

"3. We think that the proportion of the increased income applicable for the maintenance of the university students and foundation scholars is to be regulated by the proportion which the statutable stipends assigned for their benefit, bear to the other stipends assigned by the statutes. Should the share thus ascertained be found more than adequate to provide board and lodging for the four university students and twenty foundation scholars, it may be doubtful whether the surplus would go in augmentation of their 'maintenance,' or in the extension of the limits of the charity, to other students and scholars.

"4. We are of opinion that, in this case, desuetude would not constitute a valid plea to release the dean and chapter from the obligation which (as above stated) the statutes impose upon them. With regard to the terms of the grant (dotatio), we think that there is nothing in it to conflict with what we have already stated to be, in our opinion, the proper interpretation of the statutes. On the contrary, as the grant was made *in puram et perpetuam eleemosynam,* and as the dean and chapter were empowered to hold lands by the "Fundatio," subject to the observance of the ordinances which the founder then had in contemplation, and as the then annual value of the estates was exhausted by the statutable allowances and apportionments, we think that the increase of the rents became applicable to the augmentation, *pro rata,* of the various specific payments directed by the statutes, or to corresponding purposes, upon the principle of cy-près applied to charities.

"5. Should the dean and chapter or the treasurer refuse to provide for the purposes above specified, application should, in the first instance, be made to the Bishop of Rochester, as visitor, to correct the evil: but probably the visitor, in the exercise of his discretion, would think it proper that the matter should go to the Court of Chancery, to be adjusted there, and would so act as to effect that object. "JOHN ROMILLY,
"WILLIAM DAVID LEWIS.

"Lincoln's Inn, November 25."

He thought if any doubt had existed in the minds of hon. Gentlemen, they should be put an end to by these plain, decided, and unequivocal opinions, coming from such high legal and equitable authorities. That being the case, he would now state what had been the conduct of the Dean and Chapter of the Rochester Cathedral with respect to the education confided to their trust. The sum of 53*l.* 6*s.* 8*d.*, allotted to that school in 1542, would, at the present day, amount to about 853*l.* 6*s.* 8*d.*; that was to say, that if the dean and chapter had allotted *pro rata* the funds intrusted to them, it would have been their plain duty to have allotted at least that sum to the support of the two masters, the twenty boys, and the four exhibitioners; or, if they had increased those stipends in the same ratio as they had increased their own, the sum to be allotted would amount to 1,812*l.* 13*s.* 4*d.* But during the years 1831, 1832, 1833, 1834, 1835, 1836, 1837, and 1838, the sums which they had paid for this purpose out of their prodigiously increased revenues were severally 9*l.*, 6*l.*, 5*l.*, 5*l.*, 6*l.*, 3*l.*, 1*l.*, and 1*l.*, until at last, in 1839, there was neither scholar nor school at all. They had pulled the building down, sold the site, and there was no boy to receive anything. That was the manner in which these gentlemen discharged the trust confided to them; though, as he had before stated, they had increased their own stipends by thirty-four times the amount originally intended for them. In a short time subsequently, being alarmed by the commentaries of the press on the subject, they built another school, and gave as a reason for disposing of the old one, that it was out of repair. He believed that during the present century the Dean and Chapter of Rochester had divided among themselves the sum of 5,000*l.* which ought to have been devoted to educational purposes. Now, he felt bound to observe that the Dean and Chapter of Rochester had not disputed any of these facts; and he could not help thinking that the mere statement of the facts, as far as they went, by any person, could not form a sufficient justification for the dismissal, by the dean and chapter, of the individual who might give publicity to them. But it so happened that the dean and chapter did dismiss Mr. Whiston, the head master of the school, for publishing these facts, stating that, in their opinion, the man who could make use of the language which he did in his work on the subject, was unworthy to discharge the functions of head master of the Rochester grammar school. Now he (Mr. Mowatt) referred with confidence to that work, and defied any hon. Gentleman to point his finger at any phrase therein not justified by the facts of the case. It was true that it characterised the conduct of the dean and chapter as unbecoming that of gentlemen, much less clergymen and trustees, bound to administer money placed in their hands for educational and charitable purposes. Mr. Whiston certainly did make use of strong language; but then that language was pertinent, and strictly applicable to the facts brought forward. No remedy whatever existed for this case of oppression. First, the dean and chapter had the power to dismiss Mr. Whiston; and next, it was impossible for the bishop to interpose in his behalf without bringing on himself the most signal condemnation, since the Bishop of Rochester was himself previously Dean of Worcester, and, in that capacity had sanctioned similar misappropriation of the funds of that Church. Whilst Dean of Worcester, he had cut down the stipends allotted for the support of the scholars from 2*l.* 13*s.* 1*d.* to 5*s.* 10*d.* However, Mr. Whiston having made an appeal, not with reference to his dismissal, but with reference to the dean and chapter declining to fulfil their proper functions, the bishop, after keeping him some months in correspondence, and in suspense, finally said, "I think, after all, your best way is to go to Chancery," meaning, probably, by that, that he might go to some other place not mentionable to ears polite. So that it was no far-fetched deduction to say that it would be idle to apply to a man to decide as a judge whose antecedents made it impossible for him to decide without condemning himself. Fortunately for the scholars, Mr. Whiston was a man not disposed to yield tamely to such proceedings, and he consequently appealed to the public, through his work entitled *Cathedral Trusts and their Fulfilment*, which had, however, meanwhile the effect with his self-constituted judges of confirming his dismissal. In that state of things he applied to the Court of Queen's Bench, and obtained a *mandamus*, compelling the dean and chapter to restore him to his office, or to show cause for not complying. He might observe that Mr. Whiston adopted that course more with the hope of inducing his opponents to meet him on the merits of the case, than with any other intention. But they abstained from putting in their case the opinions of their counsel in relation to the matter; and, therefore, he thought he might conclude that these opinions were confirmatory of those which he had already quoted as expressed by the present Master of the Rolls and Mr. Lewis. The dean and chapter met him, however, on technical grounds, stating that he should have applied in the first instance to the bishop, as visitor, and in case of his refusing to entertain the case, then he (Mr. Whiston) would have been justified in going before the Queen's Bench. Now, in his (Mr. Mowatt's) opinion, that was an admission of the substantial merits of the case. He would refer to a table showing the comparative value of the cathedral endowments in 1542, when they were founded, and at the present day, with accounts of the sums drawn by the dean and chapter for their own emolument, and also of those expended upon schools. The original endowment of the Cathedral of Canterbury was 2,547*l.* 18*s.*; the present value, 84,525*l.*; gross receipts, as returned by the dean and chapter, on an average of seven years ending 1834, were 15,463*l.* In 1542 the sum expended on schools was 430*l.*, or one-sixth of its total revenue; in 1834 the chapter expended only 1-464th part of its revenues on educational purposes. The original endowment of Bristol was 688*l.* 9*s.* 9*d.*; its value by the last returns was 24,780*l.*; the proportion received in this case by its dean and chapter was 4,489*l.* The amount expended upon schools at the period of its foundation was 20*l.*, or 1-34th of the revenues; it was now only 1-279th part of the revenues. He would not weary the House by going over all the cases. He would take that of Rochester, with which he was more immediately concerned. The original endowment of Rochester Cathedral was 820*l.* 10*s.*; by the last return the value was 29,538*l.*, out of which the dean and chapter took directly, 7,099*l.* The amount expended in 1542 on the school was 99*l.* 18*s.* 6*d.*, or one-eighth of its whole revenue; whilst the proportion expended in 1834, before the school was closed, was 1-233rd part. With more or less variation, the same enormous disparity existed in all the other cases. He would refer to the return of the Cathedral incomes for the two periods, because it showed the distribution of the revenues amongst the different dignitaries and officers of the chapters. In 1542 the Dean of Canterbury received 300*l.*; in 1831-1849, his income averaged 2,050*l.* In 1542 the Dean of Rochester received 100*l.*, in 1840 he received 1,426*l.* In 1542 the Dean of Peterborough received 100*l.*; in

1849 he received 1,166*l.* In 1542 the Dean of Gloucester received 100*l.*; he received 1,100*l.* in 1840. In 1562 the Dean of Worcester received 123*l.*; at present he received 1,486*l.* The canons of Canterbury, in 1542, received 40*l.* 2*s.* 11*d.*; in 1849, 1,010*l.* At Rochester, the stipend of each prebendary was 20*l.* in 1542; whilst, in 1840, it was 680*l.* 19*s.* At Peterborough it was 20*l.*, in 1542, and 539*l.* at present; and so on all the way through. He might be allowed to read the words of the oath taken by the deans and canons of cathedrals, that the House might see how badly, even according to their own interpretation, they fulfilled the duties that devolved upon them by virtue of their offices :—

> "I, A. B., who have been nominated, elected. and instituted canon (or dean) of this cathedral church, having in my hand the Holy Gospels of God, swear that I will keep all and every one of the statutes and ordinances of King Henry VIII., our founder, and will take care that they shall be kept by others, so far as in me lies; and that I will not hinder what may be lawfully done for the profit and honour of this church, but will study and promote its interests. All and every one of these things I will take to mind, study, and observe, so far as in me lies."

By way of contrast, he wished to refer to the management of Trinity College, Cambridge. The sixty scholars in that College were each originally allowed only 3*l.* 18*s.* 4*d.* per year as their total stipend or allowance; but that sum had been increased to 64*l.* 7*s.* 8*d.* each. In Winchester school the increase had been from 3*l.* 6*s.* 8*d.* per scholar per annum to 50*l.*; and in Durham school the increase was in like proportion. It was not his (Mr. Mowatt's) intention to go into evidence of the other abuses that existed amongst these cathedral bodies, and the violation of their trust in other than educational matters; but he thought he might contrast their conduct to the scholars with that which they pursued in their own individual cases, to show that they were not altogether insensible of the advantage of possessing money. It was remarkable, as an illustration of the value set upon money by the members of these institutions, that a prebendary of Canterbury, who had put himself forward conspicuously with his comments on the case of Mr. Whiston, whom he accused of forwarding the cause of atheists and levellers, was a pluralist, who, far from being content with his prebendal income of 1,000*l.*, held benefices and preferments of various kinds amounting to the yearly value of 6,217*l.* 5*s.* With regard to the Dean and Chapter of Rochester, he only wished to add that they—robbed, he was going to say—but not liking to make use of strong language, he would merely say that they appropriated to themselves the funds set apart for the benefit of the students; and although their statutes expressly set forth

> —"that in order that the minor canons and priests of the church may diligently attend to the duties of the church, we allow them licence to hold one and only one ecclesiastical benefice with the aforesaid services, provided that such benefice is not more than twenty-four miles from Rochester."

Still, nevertheless, the three prebendal priests of the church held benefices more than one in number, and at more than 100 miles' distance from the cathedral. The value of the livings held by the deans and five canons was returned at 7,740*l.*, exclusive of their own immediate revenues as deans and canons of that cathedral, amounting to 4,830*l.* per annum; or a total income of 12,570*l.* They had also appropriated the funds of a lepers' hospital of which they were patrons, as successors of the former priors of Rochester, to such an extent that from 1822 to 1835 the dean received, for fines for the renewal of leases alone, no less a sum than 5,707*l.* 7*s.* 10*d.* Besides all this, the value of the patronage in the hands of the dean and canons, and enjoyed by their connections, was 4,940*l.* As an additional instance of the rapacity of the dean and chapter, he begged to state the following case to the House. A few years ago, one of the canons died, and his canonry lapsed to the Ecclesiastical Commission, so that a dean and five canons were left for the "spiritual services," at the rate of 4,830*l.* a year for what they might do. Accordingly, on their praying to be relieved from the additional duty by the appointment of a substitute, the Commissioners consented, and allowed 50*l.* a month for it. The chapter then selected, and the bishop approved as a substitute, the most heavily burthened canon of those who had prayed to be relieved from labours which, for the most part, were now discharged by the minor canons, but without any of the 50*l.* He would state another case, reflecting, in his opinion in like manner, on one of the prebendaries of Rochester. The Charter House provided an exhibition of 20*l.* a year for eight years "for the children only of such as have not the means to bring them up." Now, one of the prebendaries of the cathedral, who enjoyed an income of 2,251*l.* and a living worth in tithes 953*l.*, and who solicited an increase of stipend from the Lepers' Hospital, got an exhibition of 100*l.* a year for his own son for the eight years, whilst he refused to admit the allowance beyond the original 5*l.* to the poor scholars, and which by the charter they were to be allowed to enable them to pursue their studies at the school. Just fancy a man with such an income quartering his own son on the establishment with an exhibition of 100*l.* a year, and yet having the heart to confine the others to 5*l.* He was now about to ask the House to address the Crown for a Commission to inquire into the administration of the educational trusts confided to the cathedral establishments of the kingdom, and he hoped that no member of Her Majesty's Government would offer any objection to the proposal. He would not beforehand, at all events, do any member of the Government the injustice to suppose that they could be so indifferent to the interests of the country, in so far as they were connected with education, as to throw the slightest impediment in the way of any *bonâ fide* remedial measure that might be proposed to the House, unless it were open to some very strong objections. He inferred, however, that this Motion would be opposed by the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn). He had no desire to speak disrespectfully of that right hon. Gentleman, nor would he say it offensively, but he must remark that he thought that right hon. Gentleman stood in a false position with respect to this question, for he stood in the position of the hired advocate of the Ecclesiastical Commission, and had always in that character advocated all the abuses that came within the cognisance of that commission. Now, although Henry VIII., when he founded these cathedral bodies in 1542, had passed statutes for their government, he never intended to part with the control over them, for, within four years after their establishment, a Commission was issued to inquire into the manner in which the trusts confided to them had been carried out. He thought that, when such maladministration as he had shown existed, it was quite consistent with the obligations of the Crown to grant such a Commission of inquiry as he sought. He could not be met by the assertion that this was a trifling matter, or one in which the Government were not interested; for he would ask if it could be considered as a matter of trifling importance the scandalous misappropriation he had demonstrated of the munificent endowments created for the education, to a certain extent, of the people of the present and all future ages? In the words of the hon. Member for the University of Oxford, "What advantage is there to the community that might not flow out of these establishments, if they had been properly administered?" Let any man reflect upon the advantage which it would be to have a first-rate grammar school in every cathedral town throughout the kingdom. It would be difficult to over-estimate the beneficial results that might be expected from such academical establishments, so managed as to serve as models for similar institutions all over the country. It was impossible to give an impetus to the education of the upper classes without its exercising a great influence upon the lower classes.

Amendment proposed—

"To leave out from the word 'That' to the, end of the Question, in order to add the words, 'an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Commission to inquire into and report upon the administration of the Educational Trusts confided to the Cathedral Establishments of the Kingdom.'"

Mr. HORSMAN seconded the Motion.

The SOLICITOR GENERAL could assure the hon. Member who had just resumed his seat that he had no doubt whatever of the purity of his motives, and his anxious desire, in bringing forward this Motion, to promote that which he felt to be a great public end; but, on the other hand, he (the Solicitor General) was entitled to ask from the hon. Member a little forbearance and consideration with reference to the motives of others who might not precisely agree with his views upon this subject, and towards whom he had used expressions which were hardly justifiable. The hon. Gentleman had termed the Dean and Chapter of Rochester robbers, and had also said that the Bishop of Rochester had so conducted himself that it was impossible for Mr. Whiston to obtain justice at his hands. The hon. Gentleman had also said that the right hon. Member for Cambridge University (Mr. Goulburn), from whom he seemed to expect some opposition, was not to be credited on a subject of this kind. [Mr. MOWATT: No, no!] The hon Member said, at least, that that right hon.

Gentleman had placed himself in a false position in that House, because he was receiving an income as one of the Ecclesiastical Commissioners. The real question before the House, upon which the hon. Member had moved his Amendment, was whether they should go into a Committee of Supply. Of course, it was quite competent for the hon. Member to bring forward such a Motion upon such an occasion; but it was equally competent for persons who might feel the deepest interest in education (and quite apart from any objections that might be urged to the Motion), to say that, at this period of the Session, they thought it more important that the House should go into a Committee of Supply, than that it should enter into an inquiry of this particular description. He should not, however, rest the question there. There were other objections to the Motion which must be apparent to every one. The hon. Member had rested his Motion so entirely upon the case of the dean and canons of Rochester that, during an address of more than two hours, he had not devoted more than ten minutes to other bodies, while the rest of his speech was occupied with the case of the Rev. Mr. Whiston. Now the work which that gentleman had published was unquestionably a very able one, and contained a great deal of valuable information; but it would have had much more weight had he confined himself to a statement of facts without disfiguring it with the admixture of sharp reprobation of all those with whom he had had any difference. He was not going to enter into the points of dispute between Mr. Whiston and the dean and the canons of Rochester; but he thought that the first objection which presented itself to the Motion was that it really was a Motion founded entirely on a matter now in course of adjudication before a proper tribunal; and if there was one thing more inconvenient than another, it was that, when a gentleman had unfortunately got involved in a course of litigation, and was dissatisfied with the course which it was taking, he should think it desirable that the whole of his case should be brought before that House, and that Motions should be founded on that which was in course of being determined by a competent tribunal. The Rev. Mr. Whiston had in the first instance brought his case before the Court of Chancery, where it was decided that he had taken an improper course, and that he should have applied to the Bishop as visitor; and the same decision was subsequently given by the Court of Queen's Bench. The question at issue, namely, whether Mr. Whiston had been unduly removed, was referred to the visitor, before whom it was now pending, and who had the legal assistance of Mr. Baron Parke, and of Dr. Lushington, the Chancellor of the diocese of Rochester. He (the Solicitor General) thought that the case of Mr. Whiston was therefore safe in the visitors' hands, and that it was undesirable to issue a Commission to inquire nominally into the administration of the educational trusts confided to the ecclesiastical establishments of the kingdom, but clearly and distinctly into this particular case of Mr. Whiston. But the fact was, that our past legislation with reference to the cathedral funds had rendered this Motion most inappropriate altogether, irrespective of the time at which it was brought forward. The proper tribunal to inquire into these trusts, if they were such, was of course the Court of Chancery, which investigated all questions relative to trusts. And if they were not trusts in the strict sense of the word, the visitor was the proper person to apply to to correct any faults in their administration. There was nothing left for a Commission to do in this matter, as Mr. Whiston had rendered inquiry utterly needless by publishing a large portion of the statutes of the different cathedral bodies, and pointing out where the rest might be obtained. So that it was easy for any body so disposed to arrive at all the necessary information with respect to these educational trusts, if trusts they were, which this information would show. He believed that it would have been wise, not as a matter of trust, but of policy, if the Legislature, before passing the Act to which he was about to refer, had taken care, in arranging the distribution of the cathedral property, to make due provision for the education of the people in connection with these collegiate establishments. But by the 3rd and 4th Victoria, c. 113, the Legislature had fixed the income of every dean and prebendary in every cathedral, and had handed over the whole surplus to the Ecclesiastical Commissioners, by whom it was to be applied, after all due charges were paid (according to the 67th section), in relief of the spiritual destitution prevailing in various parts of the country. There was another provision in the 49th section, relating to grammar schools—that nothing in that Act contained should be construed to affect the right of any chapter, according to the customs and laws of that chapter existing at the time of the passing of the Act, to make due provision out of the corporate revenues for the maintenance of the fabric, the support of the grammar school, and all other necessary and proper expenditure. The effect of this clause was merely to give the dean and canons the power of spending money on grammar schools according to the statutes and customs prevailing at the time the Act passed. Complaints had been made of the conduct of the Dean and Chapter of Westminster, who, instead of applying 200*l.* a year to the education of forty boys, had appropriated to that purpose from 1,600*l.* to 1,800*l.* a year. Mr. Whiston, in the second edition of his pamphlet gave the dean and chapter due credit for this expenditure; but in the third edition, after some letters had appeared on the subject in the *Times*, he retracted a great portion of his praise, because the dean and chapter had compelled the boys to pay some 1,600*l.* or 1,800*l.* a year for other purposes wholly besides those of the original foundation. He (the Solicitor General) would only say that the statutes of the Dean and Chapter of Westminster contemplated a totally different class of scholars from those now receiving the benefits of the foundation. Those statutes referred to boys accustomed to live in the roughest manner, and who were to have no other attendance than that of three servants to the whole number of forty scholars. When increased accommodation was considered necessary for the boys, a large and commodious building was erected, and in order to pay off the charge of that building, and especially the expenses of erecting a sanatorium for sick scholars, it was requisite that a payment should be made by the boys upon the foundation; but the dean and chapter still continued to pay 1,800*l.* instead of 200*l.* a year towards the maintenance of the school. It became necessary, therefore, to insert a saving clause in the Act, or they would have taken away from the Westminster boys that 1,800*l.* a year, which would have been handed over to the Ecclesiastical Commissioners. The deans and canons, whose salaries were fixed by this statute, could not be affected by the inquiries of the Commission; and, supposing that the Commission should decide that there were grammar schools which were not now kept up according to their ancient statutes, the question would be, if they were not trusts, whether it was more expedient that the surplus arising from the chapter estates should be devoted to the grammar schools, or to the relief of spiritual instruction in populous places. Of course, if they were trusts, they were capable of being enforced; but whatever money was obtained for them must come from the Ecclesiastical Commissioners, and must be deducted from the funds appropriated to the relief of spiritual instruction.

MR. BERNAL said, the case of Mr. Whiston was mixed up with a very important subject. The hon. Gentleman (Mr. Mowatt) had used Mr. Whiston's case as an illustration of the general subject, and had brought forward the question with respect to the Dean and Chapter of Rochester as only part of the whole subject. He agreed with the hon. and learned Solicitor General that as the case of Mr. Whiston was now *sub judice pendente lite*, it ought not to be inquired into by that House. That individual continued to act still as master, and instructed a portion of the scholars who were voluntarily sent to him by their parents. He (Mr. Bernal) deeply regretted that such things should become matters of open scandal, and injurious to old and valuable institutions, doing no good, but exciting feelings of disgust and contempt. There had been a point referred to that night which was not sufficiently understood by the House or by the country at large—he meant the construction put by the hon. and learned Solicitor General on the statute of 3 and 4 Victoria, c. 113. If the doctrine advanced by the hon. and learned Gentleman were right, the fund was completely removed from the control of the ecclesiastical body. He agreed in thinking that the form in which the Motion was put, was not, perhaps, convenient, but the terms on which he had based it were of the greatest importance. These were points to which every Government should give their most earnest attention, and they should not allow those grievances to be bruited abroad for another year. The Church of England wanted support out of doors; it wanted that attention and reform which nothing but the action of the Government could sufficiently effect. He would ask the hon. and learned Solicitor General to explain to him how he conceived that the Dean and Chapter of Rochester could pay the salaries of six almsmen, to whom reference was made the other evening by the hon. Member for Marylebone (Sir B. Hall), if all the surplus funds beyond the salaries of the dean, archdeacon, and prebendary were expended?

The SOLICITOR GENERAL: I said, after all due charges were paid; and every such charge must come of course out of the Ecclesiastical Commissioners Fund. That is liable to make good the deficiency.

Mr. BERNAL thought, that whether in the shape of a Commission or an inquiry, the Government was imperatively called upon to look into this matter. No ecclesiastical body in the kingdom should withhold its compliance from the due objects of the original holders; and if they did, it would be necessary for the Government to see that the trusts pointed out by the founders should be conscientiously observed. Whatever they thought or decided in that House, there was a spirit of inquiry and investigation abroad, and if they did not properly direct it, it might lead them into a sea of trouble and anxiety: but if they at once manifested a kindly yielding to, and a genial harmony with, the spirit of the age, they might proceed with safety. If they slumbered on in an uncertain kind of life—at times defending the ecclesiastical bodies, at others carping at them, but doing nothing—they would be behind the spirit of the age, and do their best to destroy the bulwarks of the Church, and that general spirit of religion that was inherent in the bosom of every British subject.

Mr. MONCKTON MILNES begged to bear his testimony, the result of a long and intimate acquaintance with Mr. Whiston, to that gentleman's ability and excellent character. If in his pamphlet Mr. Whiston had used any phrases which appeared to partake of unnecessary acerbity, hon. Gentlemen should not forget that that pamphlet was published only as a last resource, and after every attempt had been made on his part to bring about what he conscientiously believed to be just by fair and courteous means; and, secondly, that, when summoned before the chapter, he stated in the most positive way that he extremely regretted any violent expressions which he might have used, and that he entirely disavowed any intention of injuring or insulting any member of that body. And he (Mr. Milnes) could not but think that the chapter would have done greater justice to the religion they professed, and the establishment to which they belonged, if they had treated Mr. Whiston in a different spirit, and met his advances in another manner. If the case was as it had been stated by the hon. and learned Solicitor General, then indeed they had nothing whatever to do with the matter, and they would have had merely to refer Mr. Whiston to the Ecclesiastical Commissioners, and to say that they would be extremely glad to dispose of a larger portion of the cathedral funds in favour of this educational establishment, but they were prevented by law from doing so. The fact was, however, he could not find that the dean and chapter had ever used that argument. On the contrary, so far from that, they had always, in their communication with Mr. Whiston, stated that the question of increasing the advantages of this educational establishment was one to which they were not opposed, and to which they were perfectly willing to direct their attention. They never seemed to think for one moment that the case was out of their hands. There could be no doubt that the legal question had gone against Mr. Whiston—that the question whether these cathedral trustees were trustees in a legal sense or not had been decided against him; and his removal from the office of master was a secondary matter to that. Mr. Whiston had certainly failed legally; but that was no reason why, upon a representation of the case before the House of Commons, some remedy should not be applied to the difficulty. In asking for a commission, his hon. Friend (Mr. Mowatt) had done no more than the circumstances of the case fairly warranted him in doing; and if he went to a division, he (Mr. Milnes) should certainly vote with him. Mr. Whiston's case appeared to him to be one of very peculiar hardship. He, in fact, created the school at Rochester. It had been allowed to fall into decay and disuse. The cathedral body represented that it was beaten out of the field by good proprietary schools in the neighbourhood; but it was their business to see that it did not fall into that position. It was in a generous spirit that Mr. Whiston took up the case, and he had been hardly dealt with by them for it. If the present debate was followed by no other consequences, he trusted that, at any rate, it would reach the ears of that important body the Dean and Chapter of Rochester that it was the opinion of this House that Mr. Whiston's case was deserving of at least very generous consideration; and he did hope they would see that it would be becoming in a great body like them to act above all suspicion of petty motives, personal feelings, personal pique, or personal profit. He trusted that they would see that they could not do greater justice to themselves than by putting the most lenient, even though it might not be a strictly just, interpretation upon the past, and by retaining Mr. Whiston in the situation to which he had done so much honour, really confer honour upon themselves.

MR. ROUNDELL PALMER considered it was much to be lamented that when hon. Members desired to bring forward Motions involving general propositions for the advantage of the Church and of the country, they should take these as opportunities for attacks upon individuals, named or not named, most unjust in principle, probably most unjust in their application to the individuals, and which those individuals were not present to answer. The offence imputed to the Dean and Chapter of Rochester had been this—that there being certain statutes which provided for various excellent purposes that had fallen into decay, as well as for the maintenance of deans and canons, the deans and canons allowed some of those purposes to fall into decay, while others beneficial to them had been kept up. This practice had been enduring for centuries, and now it was made the subject of imputation against certain individuals who at a given moment are found administering the trust. The law of the country sanctioned usages of that kind; in numerous cases, similar to this, it was held that where certain deeds give certain money charges to a certain amount, and the rest of the property to individual use, the legal right to keep the whole surplus without increasing the fixed payments was one vested in the persons to whom the property is entrusted. How, then, could it be expected that the members of a corporate body should open their eyes to the duty of turning reformers, the law saying they were not bound to do so—the law sanctioning the present administration of the trust. It must be remembered that the question did not affect schools only; there were exhibitions to the Universities and so forth. If the chapters were now to be called upon to appropriate their funds to the revival of decayed but useful branches of the original foundations, according to the statutes and the intentions of the founders, the whole of the funds would be absorbed which were reckoned upon as available for the augmentation of poor livings. There were many other original objects besides schools and scholars; and he was disposed to think, that by a much closer adherence to the intentions of the founder than was provided for in the statute, at least an equal amount of spiritual good might be effected. Nothing could be more proper than to guard against any undue divergence of Church property into particular hands, so that the funds of the Church would be made the means of accumulating large fortunes; but at the same time there should be an abstinence from attacks on individuals because they did not originate reform or restoration. The hon. Member (Mr. Mowatt) might have done considerable service by introducing the subject, if personal matter had not been so largely mixed up with it, and if the general policy had formed the staple of the argument; but the subject was a very large one. He (Mr. Palmer) would say, with regard to it, that he thought the course the Legislature had taken in the direction of Church reform had been too much in the nature of a divergence from the original destination of Church property. The cathedral bodies derived large incomes from tithes of parishes, and it might have been thought an obvious thing to restore the tithes to the parishes that paid them, at least so far as to provide for the spiritual wants of those parishes. But that was a principle not recognised upon the face of the Cathedral Act, though perhaps more acted upon than it had been. [An Hon. MEMBER: It is recognised.] Well, if recognised, it was not made incumbent. It was a very serious question, how far the power of these bodies had been diminished by recent legislation as to schools of this kind; and it seemed unjust to introduce such a subject to the consideration of the House in language which implied that wrong had been done by individuals, and that they had acted unconscientiously, when they had merely abstained from taking upon themselves an extensive system of reform in the shape of a revival or restoration of institutions which had remained in their present state from a period dating from long before these parties came into possession. It was much to be regretted that Mr. Whiston did not bear those views in mind, and consider what was due to individuals from those who desired to reform abuses. He might have done great public good without suffering any injury himself if he had addressed himself to the law affecting the subject, or the expediency and policy of a reform of the system of cathedral schools. It was to be regretted that he should have proceeded in the spirit of attack upon individuals who were, after all, his superiors, to whom he was subordinate, and who, if they had the feelings of men, could not but expect from him some degree of consideration for the position which they occupied.

MR. HUME said, the hon. and learned Member who last addressed the House had talked of the unfairness of making charges in that House against absent individuals. He (Mr. Hume) would ask that hon. and learned Member if he meant that they were to wait until the bishops came into that House to defend themselves? If he did not mean that, what did he mean? He (Mr. Hume) admitted that for centuries abuses had existed in the Church. There was, therefore, the greater reason that those abuses should be reformed. He was one of those who thought that the clergy were always opposed to all Church reform; and though there were many estimable men among them anxious to promote the real interests of the Church, yet, as a body, there was no class of men more disposed to hold fast what they had got. He contended that Mr. Whiston had been most unjustly treated, and in consequence of that treatment the dean and chapter had exposed themselves to public notice. He hoped the noble Lord at the head of the Government would consent to the appointment of a Commission—a Commission composed of laymen, for he wished to see no more Clerical Commissioners—for the purpose of inquiring into the abuses connected with these trusts, and not only of inquiring into them, but of correcting them. That was the way to bring the Church into good character with the country, and he did think the noble Lord at the head of the Government would be disposed to listen to the suggestions which had been made in the course of the discussion. Where, as in this instance, education was the object in view, and where it was manifest that funds had been misapplied, surely the noble Lord, as a friend of the Church, would agree to the inquiry which was sought.

LORD JOHN RUSSELL said, he must preface the few words he had to say, by calling the attention of the House to the fact that this was an Amendment in order to prevent the House going into Committee of Supply. The hon. Gentleman (Mr. Mowatt) who had moved the Amendment objected to the House going into Committee, and said, let them rather consider the question of Education in connection with the cathedrals of this country, and more especially with that of Rochester. He (Lord John Russell) was disinclined to enter into that particular case; but, supposing the Government were disposed to entertain this question, there was a question which had been put by the hon. and learned Gentleman opposite (Mr. Roundell Palmer), and which it would behove the House seriously to consider as a separate question, and seriously to deliberate upon it, before they decided on the course which had been suggested by some hon. Members, and especially by the Chairman of the Committee of Ways and Means (Mr. Bernal). There was an inquiry begun by the Commission appointed during the short Administration of the late Sir Robert Peel in 1834–5. That Commission was continued with some alteration of the Members, and they made several reports. He (Lord John Russell) had the honour to bring in a Bill founded on one of those reports, and he had succeeded in carrying that measure. What those Commissioners specially pointed out as the great evil which it was their bounden duty to inquire into, and which it was the bounden duty of Parliament to attend to, was the spiritual destitution in different parts of the country; in parishes originally having a population perhaps of 15,000, which in the lapse of time had increased to 40,000, 50,000, or 60,000, and even more in some cases; and they gave the population of Middlesex, Yorkshire, and Lancashire, and showed what was the number of churches as contrasted with the population of each parish. They said that was the main evil to be remedied; that, whatever other evils or defects there might be, that was the primary evil, and until that had been remedied, the Legislature ought not to attempt to carry into effect other changes or reforms. All the measures of the Commission were directed to that purpose. The principal object they had in view was to obtain funds for the purpose of remedying the spiritual destitution which existed, by erecting new churches in populous districts, and by appointing clergymen to minister in those churches and districts. For that purpose, and with that view, the number of canons in cathedrals was diminished, certain sinecure rectories were abolished, and various other changes were made. That, at all events, was a clear and definite view. Of course there would be much difference of opinion as to the mode of carrying it into effect, but it was a definite view of what should be done with regard to Church reform. Some hon. Members had other views on that subject; they said, Rather let the House restore those cathedral establishments; do not cut down and reduce them so as to make them unsuitable to their original purpose; but look at that original purpose, and restore to its former vigour that which has been lost sight of by means of defects, abuses, or malversations. But when that proposal came before the House, although it gave rise to much discussion, and several powerful speeches were made in support of it, there was, on a division, few Members who voted in its favour. With regard to one question to which the hon. and learned Member for Plymouth (Mr. Roundell Palmer) had alluded, there was certainly a general recommendation on the part of the Commissioners with respect to the sources and places from which the funds had been derived; and he (Lord John Russell) remembered that was a question which occasioned a good deal of discussion in the Commission. The late Archbishop of Canterbury and the Earl of Harrowby, both exceedingly competent to give their opinion, and desirous to promote reform in the Church, had occasion to state their views as members of the Ecclesiastical Commission. The result of that discussion was, a resolution that the funds should, as far as possible, be applied to remedy spiritual destitution, but with a view to the benefit of parishes from which the funds were derived. As he had understood the business of the Commission—for, not having acted as a member of it for a long time, he did not speak from present experience—the question they had to determine was whether, and how far, they were to take into consideration the wants of parishes from which tithe would be derived to be applied to the purposes of the fund under the control of the Commissioners. But, with respect to the other object involved in proposals made for the restoration of cathedral establishments, bestowing large sums to support schools attached to them, and applying the funds derived from cathedral property to give more efficiency to the establishment of cathedrals, which should have a large body of canons attending to the wants of cathedral cities, that was neither recommended by the Commission nor adopted by Parliament. When the House came to the discussion of that question, it would be for Parliament to consider whether they were to reverse what had been agreed upon with a full view of the consequences. If they believed the Church revenues might be and were absolutely required for the division of large into small parishes, for the erection of new churches, and for the payment of the stipends of the clergymen, these revenues would continue to be dealt with as they were dealt with at present. If, on the other hand, it were thought better to restore the cathedrals, and recur to the policy which was followed in founding them—if it were thought that they might be reformed, and a plan were laid down for effecting that object, then that plan would have to be pursued. But if the latter course were taken, they must not expect to realise the former. They must renounce that object which Parliament and the Commission had steadily had before them. He did not think it requisite to enter into the question whether or not the Dean and Chapter of Rochester behaved properly in this matter, or whether they were bound by ancient and existing customs. That was a question into which he did not think fit to enter, because it was really not in a state on which the House of Commons could pronounce any opinion. It was now a question which would be heard, and heard not only by the bishop, but by Mr. Baron Parke; and when the opinion of the bishop and of that learned Judge had been pronounced, it would be time enough for the House of Commons to come to a decision upon it.

Mr. HEYWOOD thought, that considering the change of views and circumstances which had occurred since the cathedrals were founded, he did not see how those establishments could be placed in the same position in the nineteenth century which they occupied before the Reformation. They were founded in times when people desired to have masses said for their souls; but there was no reasonable probability that the people of England would again become Roman Catholic. The tendency, indeed, was rather the other way. He thought it would be of great advantage if a Commission were appointed to consider how schools which had endowments connected with cathedrals could be rendered efficient. If they were so, subscriptions now required would be superseded, and the schools would be found to form a nucleus for an improved system of education. He felt that the hon. Member for Penryn (Mr. Mowatt) had placed the House under an obligation by calling its attention to this subject.

MR. MOWATT, in reply, said, it had been supposed by the hon. and learned Solicitor General, that he had characterised the deans and chapters as "robbers." He had spoken indeed of the plunder they had committed—an expression which he acknowledged was almost as strong. Respecting the position of the deans and chapters subsequent to the passing of the Act, he wished to know what were the views of the hon. and learned Solicitor General.

The SOLICITOR GENERAL said, after the passing of this Act, the position of the deans and chapters, with reference to their property, was this—it became a matter of account. They had to account to the Ecclesiastical Commissioners for the surplus fund as soon as they came under the operation of the Act, and some of them had not yet come under it. [MR. MOWATT: Rochester has not.] Looking to the number of years which have elapsed since the Act was passed, and remembering the age at which these persons generally arrived when they were appointed to the offices, they would soon all come under the Act. They would be allowed to charge the sums legally paid for the schools; but, if there was no school existing at the time of the passing of the Act, he should think the Ecclesiastical Commissioners would act very wrongly if they allowed the charges for these schools.

MR. MOWATT said, he did not intend to divide the House on his Amendment.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee of Supply; Mr. Bernal in the chair.

(1.) 46,824*l.* British Museum.

MR. HUME said, that that was a large sum, but he had no objection to make to it, as it was to be applied to a most valuable national object. He wished to see the whole of that magnificent collection, and more especially the library, more extensively thrown open to the public. The Commissioners who had inquired into the state of the Museum had recommended a change in the system of its management, and that instead of a Committee of thirty individuals, it should be managed by a small Executive Committee, whose members should be paid, and should be individually responsible for the trust committed to their care. He entirely approved of that recommendation, and he hoped it would speedily be carried into effect.

SIR ROBERT H. INGLIS said, he believed there was no one institution in which the people of this country took so much interest as in the British Museum, and that there was none which offered such striking marks of increasing popularity. Forty years ago the number of readers amounted to 1,950 only, and last year the number of readers had increased to 72,000. In the year 1835 the number of books in the library was only 235,000, while they were at present, he believed, twice that number, or 470,000. Not less than 1,070,000 persons had entered the Museum as visitors in the course of last year, while the number of visitors five years ago had only been 680,000, and had only been 70,000 in the year 1810. And he could further state, that while the number of visitors had so greatly increased, their conduct had been beyond all praise. He believed the library of the Museum was at present open during a greater number of hours, and was accessible to a greater number of persons, than any similar establishment in the world. He trusted that during the recess the noble Lord at the head of the Government would take into his consideration the increasing wants of the establishment, and would give his attention to the necessity of adding to the buildings.

MR. W. J. FOX would suggest that the reading room should be opened in the evening. There were hundreds and thousands of young men in the metropolis who desired this so earnestly, that if the expense were the only obstacle to the granting of their desire, they would most cheerfully contribute towards defraying the cost. They were persons whose occupations prevented them from attending during the day time; but they were a class really addicted to study, and would not treat it as a mere lounge. Such an alteration in the arrangements of the library was calculated to turn the great literary riches at their disposal to the best account. The only objection he had heard was the risk of fire attendant on the use of the necessary apparatus for lighting; but he thought that very sufficient precautions might be taken against the possibility of accident. They might, for instance, take rooms near the Museum, and, to reduce the danger to its lowest amount, they might only allow the duplicate books to be used. These amounted to 70,000 or 80,000 volumes; but, supposing that there were only 50,000, they would of themselves constitute a very valuable library. This arrangement would be, comparatively speaking, so inexpensive, and the boon would be so great, that he trusted the proposition would receive a favourable consideration. As to the vote itself, he very much regretted that it was not for a much larger amount, inasmuch as greater accommodation had become absolutely necessary. He thought that a few thousands might very reasonably have been added, to enable Mr. Layard to prosecute his interesting and very valuable researches.

Mr. EWART greatly approved of the suggestion of the hon. Member for Oldham (Mr. Fox), but thought that there should be several libraries formed in London. The proposal of the hon. Gentleman would make, however, an excellent beginning. There had been large public libraries founded in Paris, Rouen, Amiens, and, as they sometimes found a ray of light proceed from a very unexpected quarter, even the Pope sanctioned a public library at Rome.

Sir ROBERT H. INGLIS said, the hon. Member for Oldham (Mr. Fox) had stated the principal objection to opening the reading room at night, namely, the danger of fire. But that was by no means the only reason why they should not adopt the proposal. In the first place, there was the expense which would be caused by the larger staff that would be required, and it might be doubted whether the result would repay them for the additional outlay; for the hon. Member for Montrose (Mr. Hume), who had proposed the extension of the hours at which the Museum might be seen, had admitted that it had not been productive of such benefit as he had expected. He (Sir R. Inglis) should be glad, however, to see two or three large public libraries of a humbler but more practical character established in the metropolis. Still he must object to the removal of the duplicates into a separate library. Some of them were often in use at the same time, and in others they could not be removed without the violation of trusts and bequests. It would, for instance, be a breach of the public faith to remove a book from the library of George III., because a copy of it happened to be in Mr. Bentham's collection.

Mr. STANFORD willingly bore testimony to the civility of the attendants at the British Museum. He had read at most of the European libraries, and was disposed to agree with the proposal of the hon. Member for Oldham (Mr. Fox). He thought the means for readers in this country were far less than in any other. He did not think that there were more than 1,000 regular readers at the British Museum. He must express a decided opinion that further opportunities of reading and of literary improvement ought to be offered by the Government. He hoped the hon. Baronet (Sir R. Inglis) would use his influence with the Government, in placing at the disposal of the public, at other hours than the present ones, the magnificent stores of the British Museum.

Mr. MONCKTON MILNES said, the ventilation of the British Museum was such as to render it almost impossible for many gentlemen to attend there—he trusted some improvement would be made. The catalogue had certainly been improved; but the ventilation, he repeated, was exceedingly bad. He wished to ask the noble Lord at the head of the Government a question upon a very grave subject. A Commission had been appointed—that Commission had sat for a considerable time, and had made a Report; but no proceedings had been taken upon that Report. He now wished to called the attention of the Government to that circumstance. He wanted to know if the Government intended to bring in any measure founded on that Report?

Mr. SLANEY wished to press upon the noble Lord at the head of the Government the opinion of his hon. Friend the Member for the University of Oxford, namely, that a reading room should be procured elsewhere for the middle classes, where they could study in the evening. An arrangement had been made for the early closing of shops and warehouses; but the young men, who thus had leisure, could not yet avail themselves of their spare hours in literary instruction.

Mr. CHISHOLM ANSTEY said, he begged to make a statement, notice of which he had given to the hon. Baronet the Member for the University of Oxford (Sir R. Inglis). He wanted to know why it was that the Home Office, or any other department of the Government not immediately connected with the administration of the Museum library, should interfere with it in any way? They had interfered in the map department. He held in his hand a letter from a gentleman who wished to consult a map of the river Medway in the King's Library, that had been made about the year 1724. The writer complained that some maps to which he desired to refer were sealed up; and the functionary at the Museum, upon inquiry, told him that they were so sealed by order of the Government. Having inquired a little more, he was led to believe that the reason of this sealing was the dread of French invasion, and so as to keep from our Gallic neighbours the knowledge of the topography of these districts, and the nature of our fortifications. This absurd fear had long since passed away, and it seemed foolish that those valuable maps, useful for other purposes, should still remain sealed. As far as the fear of French invasion was concerned, there were some mapsellers in London who could give all the information which a Frenchman could require. He believed the maps were sealed on account of certain fortifications on the river Medway, most of which had long since disappeared, though the bag that contained the map remained sealed. The gentleman who had written to him was no Frenchman, but a most loyal subject of Her Majesty.

Sir ROBERT H. INGLIS begged to assure the hon. Gentleman that that was not the case. An action had been brought affecting the rights of the Crown; and, at the suggestion of the Master General of the Ordnance, the maps had been sealed up in order to prevent those rights from being assailed.

Lord JOHN RUSSELL said, in reply to the question of the hon. Member for Pontefract (Mr. M. Milnes), that several of the recommendations of the Commission had been complied with, but it was not thought advisable to adopt the whole Report at once. Nevertheless, it was a most valuable document, and it would be resorted to from time to time, as occasion seemed to render proper. With respect to the suggestion about the establishment of new libraries, he had himself, when George IV. presented the Royal library, recommended that it should not be added to the Museum, but that it should form a separate institution. It was quite true that, compared with towns on the Continents, we should not make a very good figure as regarded public libraries, but the subject should have his best attention.

Mr. HUME said, that if there was to be no change in the governing power, he should no longer agree to the Vote. He considered it necessary to have a small executive body instead of a numerous Commission. A Committee was appointed, twelve years ago, to take the management, but it had never met, and one Member took it one day, and another another. The Master of the Rolls, Mr. Speaker, and the Chancellor of the Exchequer, were members of the Commission, and they had surely too many engagements to attend to the business properly. What was wanted, was unity of management, instead of which it was left to individual members, and thus the funds were insensibly drawn from their legitimate objects, in order to gratify the peculiar tastes of each.

Lord JOHN RUSSELL said, he felt bound to defend the Commissioners from the charge that no reliance was to be placed upon their attendance. The Commissioners comprised amongst the rest such men as Mr. Hallam, Mr. Macaulay, Sir David Dundas, and Lord Mahon, and in them the public might have the most entire confidence.

Mr. HUME disclaimed the intention of casting any reflections upon the Committee; he had only argued that their other occupations rendered it impossible to pay proper attention to the Museum. Lord Seymour, for instance, was a member of eighteen boards. What was wanted was a few persons who should be there from Monday morning to Saturday night.

Mr. HENLEY hoped that the trustees would take measures to have such information placed before them as would enable them to judge of the number of individuals that availed themselves of the advantages afforded them in the library of the institution. The noble Lord (Lord John Russell) said he thought it desirable that several public libraries should be established throughout the country, but he had not applied himself to the immediate question at issue, having been led away from it by the observations which had fallen from the hon. Gentleman behind him. If the fact were, as the hon. Member for Reading (Mr. Stanford) had stated it, he thought it very extraordinary that only 1,000 persons should have availed themselves of the benefits of this library.

Sir ROBERT H. INGLIS said, that

such a statement was incorrect. The number of persons that used the library was nearer to 40,000, and the number of visitors exceeded 78,000 within the last year. The least number of volumes furnished in one day was 100, and one-third of the whole number of the books had been consulted or referred to.

Mr. STANFORD said, he was in the habit of using the library, and never found more there than 300 persons on an average, who were generally the same that he usually met there. He therefore felt himself justified in saying that he thought there were not more than 1,000 persons who availed themselves of the advantage of the reading room. He believed that the 70,000 visitors alluded to by the hon. Baronet were made up of the same persons that attended there day after day.

Vote *agreed to;* as was also—

(2.) 31,221*l.*, New Buildings, British Museum.

(3.) 3,500*l.*, British Museum Antiquities.

(4.) 150,000*l.*, Public Education, Great Britain.

Lord JOHN RUSSELL said, that in the absence, through indisposition, of his right hon. Friend the Secretary for the Home Department, he wished to make a statement in explanation of this Vote. The House was aware that this Vote for Education commenced in 1833, when its amount did not exceed 20,000*l.* In 1838, a great change was made with reference to the mode of distributing the sum thus voted by Parliament, it being arranged that a Committee of the Privy Council should be appointed to make that distribution, from time to time, to make minutes with respect to the mode in which the distribution was effected, and to take into their care various other questions connected with education. Large sums of money had been voted by Parliament for this purpose. Previous to the change in question, these sums amounted in the whole to 120,000*l.*, distributed by the Treasury; and, since that period, up to 1851, the sums granted amounted to 870,000*l.*, of which the Committee of Education had expended 641,540*l.* up to the end of that year, and a further amount since. At this moment the balance in the hands of the Committee of Education was 99,586*l.*, and the estimate for the present year being 186,381*l.*, and the sum proposed to be taken being 150,000*l.*, this would leave in the hands of the Committee a balance of 63,205*l.*, and it was deemed advisable, to leave in their hands a considerable balance in order to fulfil engagements which they had made, and payment of which might at any time be required. It was to be borne in mind that these sums contributed by Parliament, implied much larger sums contributed by the public out of doors. Of late years, a new principle had been established, which went much beyond the original scheme of simply contributing to the building of schools, a plan based upon the theory that the way in which the public funds could be made most practically available for education would be not so much the increasing the quantity as the improving the quality of education in this country; and, for this purpose, there had been introduced a system of giving stipends to pupil-teachers, of augmenting the salaries of masters and mistresses, of awarding grants and exhibitions, of furnishing maps and books at a low price, and so on. At present there were 6,700 persons receiving annual payments, in one or other of the capacities he had mentioned, from the Parliamentary Votes. The plan, so far as it had been hitherto tried, had been eminently successful and highly beneficial, more especially in relation to the future teachers. He would beg to read to the House some extracts from the reports of the inspectors on the point. The Rev. H. Moseley, referring to the elementary schools inspected by him in Wiltshire and Berkshire during the months of October, November, and December, 1850, stated as follows:—

> "The number of children who had left them during the twelve months preceding my examination was 1,488, and the number who had been admitted to them 1,853, so that the aggregate number of children attending them had increased by 365, being at the rate of 24 per cent. I attribute this increase to the greater popularity of the schools, growing out of the increased facilities they afford for the education of the children, and chiefly from the labours of the pupil-teachers. In the schools where pupil-teachers are employed, the monitorial system has generally been given up. Many of these pupil-teachers are entitled now to rank as assistant-masters and mistresses, and most effectual assistance is rendered by them in the teaching of the children, particularly of the lower classes, heretofore much neglected. A large proportion of them manifest an interest in the work of the teacher, and may be considered to be well adapted to it. They have been selected as the promising children of their respective schools, are generally of fair abilities, and have made good progress in their learning, according to the course prescribed in your Lordship's schedule. Having made special inquiries from the clergy, and other friends and supporters of the schools, as to their

conduct, I have great satisfaction in reporting the favourable accounts that I have received. I believe that there is no other class of persons of that age whose conduct, subjected to the like careful observation and scrutiny, would be found more entirely free from blame. The schools in which pupil-teachers have been appointed are generally schools fortunate in the supervision of active and zealous clergymen; and I cannot convey in adequate terms the sense I entertain of the importance of this fact. I believe that the success which has, up to this period, characterised the working of the pupil-teacher system is mainly to be attributed to it."

The Rev. F. C. Cook, in the metropolitan district, said—

"I have little to add to the full report which I made upon this most important subject last year. The hopes which I then expressed are much confirmed by what I have since observed."

The Rev. F. Watkins, Her Majesty's inspector in the counties of York, Durham, and Northumberland, said—

"I am able to report very favourably of the progress of the system of pupil-teachers. There are very few of the whole number of schools in which pupil-teachers are apprenticed, which do not bear evidence to the fitness and usefulness of the system, by improvement, both in discipline and progress, correspondent to the time during which it has been at work."

The Rev. J. P. Norris, Her Majesty's inspector of schools in Cheshire, Shropshire, and Staffordshire, makes the following observations on the working of the pupil-teacher system:—

"Perhaps it might not appear at once to a casual observer that the standard of instruction in pupil-teacher schools was much higher than in non-pupil teacher schools, but, on a closer inspection of the tables, it will be seen to be the case, and that in the most satisfactory way possible. It is not in history, geography, grammar, or the higher rules of arithmetic—that is, in the first-class subjects—that the great disparity is shown; but in the lower subjects which still engage the bottom of the school—in the percentage of children still occupied with their alphabet and spelling, or who have not yet begun to write on paper or cast accounts—that the pupil-teacher schools appear so far in advance of non-pupil teacher schools. Thus, in pupil-teacher schools only 17 per cent are left in the alphabet class; in non-pupil teacher schools 48 per cent, or nearly half; in pupil-teacher schools only 5 per cent are writing copies on slates; in non-pupil teacher schools 46 per cent, or nearly half, are still so occupied; in pupil-teacher schools only 3½ per cent appear not to have begun arithmetic; in non-pupil teacher schools 52 per cent, or one quarter."

When it was considered for how brief a time the labouring classes were able to send their children to school, it was important to find that the results obtained in that time were so much greater than at former periods. The reports he had quoted were those of inspectors of the National Society's Schools. He would now cite the report of inspectors belonging to other schools. Mr. J. D. Morell, the inspector of British and Protestant Dissenting Schools in the north and east of England, said—

"The system of pupil-teachers still remains one of the most interesting and important features in your Lordships' Minutes, and none, I believe, has had a greater effect in raising the general tone of primary education through the country. So long as examples of a thoroughly efficient primary school were wanting, there was no wonder at the little zeal exhibited in the progress of education, and in the improvement of the schools already existing. A single effective school, held up as a model to a district, is a realised idea, which places the entire problem of education to the minds of observers in a new light. To bring the mass of our population under such influences is seen at once to be an object worth all the effort and the sacrifice that can be directed towards it. This appears to me to be one of the first and foremost of the advantages which have been secured by the apprenticeship of pupil-teachers. Many other advantages are of course in reserve, but the mere fact of having by this instrumentality planted practically efficient schools here and there throughout the country—schools in which we are not wholly shut up to the formal mechanism of the monitorial system on the one hand, nor to the incessant waste of time consumed in drill, march, bad music, and dull routine on the other—this very fact, I say, renders the return to such methods and organisations a moral impossibility. The people themselves begin now to know what education is, and are not very likely to be again satisfied with an apology for it. With regard to the pupil-teachers themselves there is of course a great variety in their efficiency and progress, as there is in the circumstances under which they are placed. As a whole, however, they have considerably exceeded my expectations."

Mr. T. W. M. Marshall, Her Majesty's inspector of Roman Catholic schools, said—

"I ought not, perhaps, in speaking of matters affecting the welfare of Roman Catholic schools, to omit all allusion to the introduction into them, for the first time, of apprenticed pupil-teachers. The school managers who have availed themselves of their services, and watched the effect of their employment, appear to be unanimous in their sense of the value of this class of assistant teachers; and the improvement visible in the schools where they are found, is, with few exceptions, sufficiently marked and decisive to leave no room for doubt on this subject."

There was a similar report from Dr. Woodford, one of the inspectors for Scotland. It was to be observed that the encouragement of these pupil-teachers, and the rewards given for efficient teaching, had not only an immediate effect upon the young men themselves, but interested all their relations and friends in the great work of education, so that quite a novel and most effective impetus was communicated to the labouring classes in the right direction by the opportunities afforded by this plan to the development of superior intellect and application among their relatives. The augmentation of the salaries of the masters and mistresses, and the annual exhibitions and grants, had also been found exceedingly useful. The great point to be aimed at was not so much the number of children going vaguely to school, as the securing a sound quality of education for those who did go there. One defect there was which it would be very difficult, he feared, to remedy, that namely of children being removed from school at a very early age. It appeared that no less than 35 per cent were taken away from school under seven years of age, 62 per cent under ten, while less than 8 per cent were above twelve. It was manifest there was great danger that children taken away so early from instruction would soon forget what they had learned, and the seeds of education be lost for ever. Yet, what remedy could be suggested? To poor people earning their few shillings a week, the temptation of the 1*s.* 6*d.* or 2*s.* which a child, if put to some employment away from school might earn, was very great. Perhaps some plan might be devised of schools at which children of about twelve and upwards might attend for short periods each day, so that what had been learned might be retained, and by the means of small lending libraries of books, a taste for reading be encouraged. One considerable item in the expenditure had been occasioned by the training school for workhouse teachers at Kneller-hall; but there was every reason to believe that this institution would be attended with beneficial effects. Parliament and the public could not do too much in the way of raising the condition and honouring the position of the schoolmasters. There was no class of men whose employment was more useful to the community, and it was deeply painful to reflect what small salaries many of these persons received for the constant application of much ability, much learning, and much science, to the laborious work of education, so beneficial to all, yet so little appreciated. Now, he did not wish to enter upon any of the exclusive questions with regard to that education. He would only state that he believed the education given in the training schools in Dublin was of a very superior character, and he had been struck with the general attainments and correctness of memory of those who had been educated there. He believed, likewise, that the small sums which were given to agricultural schools were of very great use, and it would be observed that it was proposed to increase that Vote to 14,000*l.* more than the Vote of 1849. On the Vote for Schools of Design, his right hon. Friend the President of the Board of Trade would give any explanation that might be required. He would only say that there was a head school in London; but what he thought even of more importance was that there were several branches connected with that head school, which contained no less than 3,000 pupils. There had been considerable progress made by the pupils in these schools, and great anxiety had been evinced to obtain instruction in them. It was desirable that the drawings which were made at the head school of design should be distributed through the schools in the country, which he believed would be a great means of improving its taste, and of giving a correctness to it which was very desirable. Then there was a sum nearly the same as before for the University of London, and a sum of 15,000*l*, for the Museum of Practical Geology. This building had only been recently opened, but he did not doubt but great practical benefit would be derived from it. Any one who had visited it must have been pleased with its contents. It was calculated to be highly useful to this country; and when he considered how great were the mineral products of this kingdom, and the results of our mining operations—the value of the mineral produce of Great Britain and Ireland in the raw state being about 25,000,000*l.* annually—he thought that any information and instruction to be obtained from a museum of that description would prove exceedingly beneficial. There was another Vote connected with subjects of the same kind which was not included in the present estimate. It was for the means of publishing the modes of interpreting cuneiform inscriptions. The gentlemen engaged in this work were unable to go on with their publications and to complete them without the aid of Parliament; and he had therefore assured them that any moderate sum which might be necessary for so very important an object, he had no doubt the House of Commons would vote. The whole amount proposed to be voted this year was 435,920*l.*, which, with the additional sums for the purposes he had just referred to, might probably be enhanced to

450,000*l*, He believed that there was no class of Votes which came before Parliament which were more useful to the public than these, and he knew that the Committee would be disposed to deal liberally with them. The Committee would find that the expenditure for Public Education in Great Britain had very much increased within the last twenty years. In 1833 it was only 20,000*l*. Now, it had got up to 150,000*l*., and the whole of these estimates had increased very greatly since that period. While it was necessary that they should vote sums of money for the Army and the Navy, yet it was far more gratifying to vote sums of this kind for the purpose of promoting those sciences and fostering those arts which tended to maintain internal and external peace.

MR. W. J. FOX said, it seemed to him, on looking over the items of the Vote, that some further alteration must be made in the mode in which the grant was distributed. He found it was intended to expend 55,000*l*. this year in school buildings. He thought the time was come when the Committee should check their hands, and be less lavish with this branch of expenditure. School building had gone on much more rapidly than school teaching, and there was more than twice the room required for the number of scholars who attended—a result of the system of rivalry amongst the different sects. In 1849 there were 581 schools, in which stipends were allotted to teachers, and they were capable of accommodating 183,000 pupils, but only 76,000 attended. In the ten years from 1840 to 1850, there had been 2,606 schools assisted with building ground, at a cost of 454,410*l*. The capacity of these schools was sufficient to the accommodation of 549,493, whilst the average attendance was 196,000 children. That great overbuilding showed that, at least in that department, the liberality of the Committee should be checked, and means taken to fill the schools. There was, he thought, too much exclusiveness in the distribution of the grant, and more good would be done if they threw down some of the barriers which confined the liberality of the Committee of Privy Council. There were several classes of schools which were excluded from all participation in the funds of the State. First, there was growing up in London, as well as in the northern counties, a class of schools called secular schools, the children of which, although only receiving secular instruction in the schools, were quite as religiously taught as those belonging to any other schools by their proper religious teachers at Sunday schools and otherwise. The success of these schools was very remarkable, and they were so popular amongst the operatives that they were self-supporting. The Rev. Mr. Mosely, the Government inspector, reported that these secular schools were superior to many of the schools which received part of the educational grant. Why should that class of schools, then, not participate in the funds of the State, in order to raise yet higher the standard of education which they exhibit, according to the very principle laid down by the noble Lord at the head of the Government that it was necessary to improve the quality rather than to increase the quantity of instruction given? Then, again, there was that other class of schools standing at the other extreme, which were found outside the line prescribed by the Committee on account of the controversy about trust-deeds, or because they were of too exclusively religious a character. He saw no reason why they should be shut out because the founder might lay down stringent rules as to clerical or episcopal authority in the management of the schools, or as to the creed or catechism to be taught in them. Let the founder be as exclusive as he pleased as to the religion of the school: so long as he trained up good citizens and useful and intelligent members of the community, his school, according to the measure in which it rendered service to the cause of education, ought to receive the favour and patronage of the dispensers of the grant. Another class of schools which did not receive any aid from the grant, was the ragged schools, where the element of religious discord did not stand in the way, and with regard to the children connected with which the State stood, *in loco parentis*. What these children wanted was moral and religious training—their wits were often found to be already well-sharpened, and as to intellect, they were often superior to the children of the labourer. Aiming, as the Ragged Schools did, at mitigating some of the worst and most loathsome evils of society, he thought they might be very fairly brought within the purview of the regulations of the Committee of Privy Council. Another class of schools excluded from the grants were schools connected with mechanics' institutes—schools which, he believed, would have a great effect upon the educational statistics of Lancashire, and others of the manufacturing counties. And, lastly, there were the schools belonging to the Jews of Whitechapel and other places, the managers of which actually applied for assistance from the grants, but were refused. These five classes of schools which he had named had all some kind and degree of merit, and ought to receive some share in the education funds voted by the State. The noble Lord (Lord John Russell) said, there were already upwards of 6,000 pupil-teachers receiving stated sums annually, and there was also a large outlay on training institutions. He therefore put it to the noble Lord, whether there was not some danger of overstocking the mart of schoolmasters—of educating more young men in these normal institutions, where a large and liberal training was given, than were called for by the number of schools already existing, or likely to exist, under the present system? If, however, he might regard this as only a provisional arrangement, and as preparatory to some large plan of national instruction which was in prospective, he should rejoice at being enabled to view it as the harbinger of so desirable a consummation.

Lord JOHN RUSSELL said, with regard to the last observation of the hon. Gentleman who had just sat down, that he certainly, for himself, did look forward with hope to the ultimate establishment of a more extended system of National Education. To promote such a result, the Government had been endeavouring to do as much as lay in their power.

Mr. EWART said, that one most unfortunate circumstance connected with the education of the children of the poorer classes, was the early period at which they were withdrawn from school; and it would be well to consider how far they might supply the want of education to those classes by the establishment of evening schools. As the noble Lord (Lord John Russell) had properly alluded to workhouse teachers, he would observe that a most important feature in workhouse schools was the separation of the children from the contamination of the workhouse. He should be glad to find, in some future year, the noble Lord able to expand the system of education; and he expressed his gratification that the Educational Estimates had now assumed their proper position, and would be, he hoped, introduced to the Committee in an annual statement.

Mr. W. J. Fox

Mr. W. MILES had not had the good fortune to hear the speech of the noble Lord at the head of the Government; but, in consequence of the observations since addressed to the Committee, he felt it necessary to say that the question really was, how far preliminary education should go, and how it should be conducted—whether or not on Christian principles? The Government education system, as at present carried on, prevented no persons from taking advantage of it provided they were Christians. The Bible must be the foundation of that education, and yet he had heard from the hon. Member for Oldham (Mr. Fox) that he preferred to give merely mundane erudition. Now, he (Mr. Miles) beseeched the House to insist that Christianity should be the basis of education which the Government might give. He lamented, as much as any man, that the children of the working classes could not be brought to attend school above the age of twelve years. The poverty of the parents, which rendered the earnings of these poor children of, perhaps, 3*s.* or 4*s.* a week, necessary to the support of the family, could only be deplored.

Mr. HUME was sorry that the hon. Member had interfered with the very harmonious discussion that had been going on. If the hon. Gentleman had considered more, he would have addressed himself to the subject with more calmness and coolness. What would he do in Hindostan with his notions of education? ["Oh!"] Yes; he could tell hon. Members that education was carried on there without the addition which the hon. Gentleman required as the exclusive basis of any system of education. He (Mr. Hume) approved of the increase of expenditure in this Vote, provided it was properly applied, and he thought that during the last few months great improvements had taken place in the application of the money. Nothing had pleased him more than the emulation which the system had produced. He had seen schools in which a miraculous change, he might almost say, had taken place. Great effect had been produced upon the parents. He had known a school of a village in which none of the parents of the children going to the school could read or write. But emulation had greatly extended, and was even reaching into poor villages where there were no wealthy residents to advance money for education. A large number of villages in this country were without the means of procuring those schools to which these grants were made; but unless there was a school in every village, the population could not be brought up creditably. In some places there were more schools than were necessary; but he hoped that eventually all classes would unite in that harmony which he remembered used to exist. The Government must determine that no individual should be employed in the public service unless he could read and write. If that were made a rule, he believed it would excite a desire in the people to see their children educated, and it ought to be a rule in every department, from the labourers in the dockyards. He hoped the noble Lord at the head of the Government would be able to unite all parties in an attempt to provide every man with instruction that would be useful to him. Education was everywhere wanted. Juries, for example, were wanted even in the villages, and he had seen in them with much sorrow instances of ten out of twelve jurymen not being able to read or write.

SIR JOHN TYRELL begged to ask the noble Lord to explain upon what principle it was that so small a sum as 150,000*l.* was granted for the purposes of education in Great Britain, the population of which was 20,000,000, and so large a sum as 134,560*l.* was granted for education in Ireland, where the population was only 6,500,000; and when it was known that not above half of that population availed themselves of the education so offered. It would be worth the consideration of the noble Lord whether he could not apportion the grant to the number of persons who were to receive education.

MR. HENLEY said, that the noble Lord (Lord John Russell) had that night, for the first time, announced that he now hoped to establish a system of national education. That had certainly followed upon a rather extraordinary statement by the hon. Member for Oldham (Mr. Fox); because that hon. Gentleman had said he felt great apprehensions concerning the number of pupil-teachers who were likely to be turned out highly educated persons, and who were not likely to be absorbed in the existing means of employment. The hon. Gentleman said he looked forward with much apprehension at the prospect of such a number of highly-educated persons being without adequate employment. After hearing that, and afterwards the statement of the noble Lord, that he was about to introduce a system of national education, the Committee ought to hear upon what foundation of principle those persons thus turned upon the country were to be guarded so as to be safe members of society. For his own part, he (Mr. Henley) could not regard with alarm, provided a proper religious foundation were laid, any amount of education. He had been astonished to hear the hon. Gentleman say that these persons would not be absorbed by the means of employment; for, in that case, he must have a poor opinion of the result of moral and intellectual education alone. He repeated that he, for one, looked with no alarm upon any amount of Christian education; for whatever schemes came from the hands of any persons, be they of the Government or not, he felt assured that the people of this country would not consent to have any system of national education that was not based upon religion. An hon. Gentleman had expressed the hope that so much of the grant as had hitherto been given for school houses would henceforth be restricted. He deemed such a course to be most unfair and unjust on account of that circumstance which was so strongly noticed by the noble Lord when he observed that children in this poor station of life were obliged to be taken out of school at so early an age that they could not receive education of high quality. It was known that that obligation arose from the necessities of the parents; for when men were earning only 7*s.* or 8*s.* a week, even the little their children could earn was something towards the aggregate support of the whole family. Under these circumstances, it was certainly not to be expected that a very high quality of education could be obtained by these poor children; but money was not grudged to give another portion of the community as high an education as could be afforded, and the whole of this part of the grants was given for the education of persons who would not be calculated for teachers in poor and remote rural districts, because they could not afford to pay them. From that part of the grant they would derive little benefit, and he, therefore, thought it was unfair and unjust that the other part of the grant should be curtailed, which was the only part the rural districts were able to enjoy. If the Committee wished to increase education, they must not neglect the rural districts, and in the annual accounts they ought to show how the actual sum expended during the preceding year had been disbursed. He wished every facility to be given to the education of every religious denomination.

Mr. W. J. FOX said, the hon. Member for Oxfordshire (Mr. Henley) had totally misunderstood his apprehension as to the number of persons trained to discharge the duties of schoolmasters. He anticipated none of the evils which the hon. Member seemed to suppose; but he did not think that to give men a very high education, and then place them in a situation in which they were paid lower than the most common menials that were employed in domestic service, was a benevolent act. It was not a benevolent thing to condemn men to a position in which their attainments and their circumstances had not a fair degree of correspondence. In fact, it inflicted an injury upon them, as it served, in the natural course of things, however religious their education might have been, to sour their tempers and disturb the balance of their minds. He did not speak hypothetically, because he had a personal knowledge of the fact, that this was the effect produced on the teachers of the national schools. He repudiated the selfish motives attributed to him by the hon. Member, as to preventing the spread of education amongst the agricultural classes, and obtaining as much money as he could on behalf of the manufacturing towns. He heard the noble Lord's (Lord John Russell's) statement with great pleasure, though he did not interpret it as a promise to adopt the secular system of education.

Mr. RICE said, he expected great good to result from the establishment of district schools by the Poor Law Unions; and he wished the noble Lord at the head of the Government to consider whether some aid might not be given to such Unions as were disposed to build these schools.

Mr. GLADSTONE concurred in the general views expressed by the hon. Member for Oxfordshire (Mr. Henley), and begged to congratulate the Committee, that the educational vote upon English education had always been discussed by all men of all classes in that House with a sincere intention of meeting the difficulties of the case, and extending education as much as possible. With regard to the division between the Committee of Privy Council and the National Society, it did appear to him that, as a matter of individual choice, were he engaged in founding a school, he should not choose that particular form to which the Privy Council objected; but it was more than doubtful whether the constitution of such a school was likely to have so fatal an operation that it ought to be visited with total exclusion from the benefits of the educational grant. Looking to this matter in a practical view, if one-sixth or one-seventh of these schools were excluded because they adhered to these conditions, then, although he regretted their exclusion, he also regretted the rigid adherence to that view of the case which so excluded them. He entertained a sanguine hope that means would be found before the House again met to discuss the subject for the removal of so serious a mischief. This was all he had to say on the general question. He wished, however, to allude to a particular rumour which was abroad, injurious to the Committee of Privy Council, because it imputed to them a course of conduct which, if true, was most unreasonable. He begged to say, that he, for one, did not believe it; but the statement was made public on an occasion no less serious than the annual meeting of the National Society; and he thought the noble Lord at the head of the Government would be of opinion that he (Mr. Gladstone) was only doing his duty in making the rumour known to the Committee, so that if it had no foundation, a contradiction might at once be given to it by the Government, or an explanation offered that would completely alter its character. The rumour he alluded to was this:—In the case of a particular school, which he had never heard named, the founders proposed to provide by deed (the school being directly connected with the Church of England) that the schoolmaster and schoolmistress should be communicants of the Church of England; and it was said, that upon this account the founders of the school had been excluded by the Committee of Council from participation in the public grant. Now, for his own part, he could not conceive that a more reasonable provision could be inserted in the deed of a Church of England school.

Mr. SLANEY said, that a great improvement had taken place in the schools of many rural districts by the introduction of a system of oral instruction by means of pupil-teachers, by which system twice as much real instruction was given in three years as was given in six years by the rote system which formerly prevailed. He begged also to bear testimony to the value of the industrial instruction which was given in the Watt Institution, in the county with which he was connected.

Mr. CAREW suggested, that if the inspectors of schools were to recommend a few of the best boys for employment in the dockyards, it would prove a great stimulus to them.

Lord JOHN RUSSELL wished to say a few words in consequence of an observation which had fallen from the hon. Member for Oxfordshire (Mr. Henley). The hon. Member for Oldham (Mr. Fox) having expressed a hope that the Government had not abandoned all idea of a national system of education, he (Lord John Russell) said, in reply, that the Government still kept that object in view; upon which the hon. Member for Oxfordshire concluded that the scheme which he (Lord John Russell) contemplated was the scheme of the hon. Member for Oldham. Now, there was certainly nothing in what he had said that could at all justify such an inference. When the scheme of the hon. Member for Oldham was before the House, he stated his objections to it. His own opinion was, that there were two essential requisites to any plan of national education that was proposed to that House. The one was, that secular instruction should not be separated from religious instruction; and the other was, that no child educated at the public expense should be compelled to attend any religious instruction to which its parents conscientiously objected. He considered that both those conditions were essential requisites; and the difficulty would be, to reconcile them in any plan to be adopted. The hon. Member for Oxfordshire had also made some remarks with respect to the conditions which were laid down by the Committee of Privy Council; and he was followed by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone). He (Lord John Russell) did not wish to enter again into that question. He would only say, that the Committee of Education had carried on all their correspondence with the National Society, with the view, if possible, to come to some agreement upon the point at issue between them. The Committee of Privy Council had always insisted that there should be lay members on the committee of management in those schools; and when the National Society said they thought that those lay members ought to be communicants in the Church of England, the Committee of Privy Council readily agreed to that proposal. There did remain one point of difficulty, and one only, and that was with respect to secular education. The Committee of Privy Council were not prepared to afford aid in those cases where secular instruction should be entirely placed at the disposal or under the direction of clerical persons only. They were of opinion that where a clergyman, differing from the lay members of the committee, should appeal to the bishop, and the bishop should go with him against the lay members, that that decision should not be allowed to govern the conduct of the school. It appeared to them to be an unreasonable condition, and one that might lead to injurious consequences if much adopted. He did not deny that it was from a jealousy which the other Members of Council probably did not entertain, but which he himself entertained, of too great an increase of clerical power, whether in their Establishment or among ministers of other denominations, that he, for one, objected to the proposal. But, however, he could not say that the practical effect had been such as either to deprive the Committee of Privy Council of the confidence of the great body of the clergy, or to deprive the schools connected with the National Society of the aid of the public grants, because he found that the schools in connexion with the Church of England had received 78 per cent, almost 79 per cent, of the whole sum granted for education; while the British and Foreign Society's schools received only 9 per cent, the Wesleyan schools 1½ per cent, and the Roman Catholic school ¼ per cent of the whole sum. Now, if that was the case, it was quite evident that the schools connected with the Church of England now, had a large portion of the grant. It had besides appeared lately from some pains which had been taken to ascertain the fact, that great confidence was felt by the general body of the clergy in the Committee of Privy Council, and the application of the grants. Another symptom of the same fact was found in the recent meeting of the National Society, when the proposal to break off altogether from the Committee of Privy Council was evidently rejected by the general sense of the meeting. With respect to the question which had been asked by the right hon. Gentleman the Member for the University of Oxford, he begged to say that he was not present at the meeting of the Committee of Privy Council when a decision was come to upon the case to which the right hon. Gentleman had referred; but it did appear that this was a school with respect to which it was proposed that the master and mistress should be communicants in the Church of England. Now, in the terms of union which the National Society had issued for the purpose of being subscribed by parties desirous of uniting the schools with the National Society, it was stated, in the fourth clause, that the masters and mistresses should be members of the Church of England; and when this question came before the Committee of Privy Council, his noble Friend the President of Council said it would be better to keep to the terms which the National Society had themselves laid down, namely, that the master and mistress should be members of the Church of England. There was no other objection to the stipulation of their being communicants except that it differed from the terms which the National Society themselves had laid down.

Mr. GLADSTONE said, that if the case stood as the noble Lord had stated it, he did hope that the Committee of Privy Council would reconsider their decision upon this plain ground, that they had altogether misconceived the terms of union of the National Society. What the National Society said by the fourth clause, to which the noble Lord had referred, was, that they would have nothing to do with a master or mistress unless they were members of the Church of England; but they nowhere said they would have nothing to do with them provided they were communicants. The clause contained merely the minimum of their demand, not the maximum.

Vote *agreed to* ; as were also the following Votes :—

(5.) 134,560*l.*, Public Education, Ireland.

(6.) 15,055*l.*, Schools of Design.

(7.) 2,006*l.*, Professors, Oxford and Cambridge.

(8.) 3,920*l.*, University of London.

(9.) 7,610*l.*, Universities, &c. in Scotland.

(10.) 300*l.*, Royal Irish Academy.

(11.) 300*l.*, Royal Hibernian Academy.

(12.) 6,260*l.*, Royal Dublin Society.

(13.) 3,000*l.*, Theological Professors at Belfast, &c.

(14.) 1,620*l.*, Queen's University in Ireland.

(15.) 1,700*l.*, National Gallery.

(16.) 15,623*l.*, Museum of Practical Geology, and Geological Survey.

(17.) 2,421*l.*, Scientific Works and Experiments.

Lord John Russell

(18.) 10,000*l.*, Galleries of Art, Edinburgh.

House resumed ; Resolutions to be reported on *Monday* next.

The House adjourned at One o'clock.

HOUSE OF COMMONS,

Saturday, July 12, 1851.

MINUTES.] PUBLIC BILLS. — 1° Tithe Rent Charge Assessment.
2° General Board of Health (No. 2).
3° Militia Ballots Suspension ; Woods, Forests, &c. ; Civil Bills, &c. (Ireland) ; Ecclesiastical Residences (Ireland) ; Churches and Chapels (Ireland) ; United Church of England and Ireland.

WOODS, FORESTS, &c. BILL.

Order for Third Reading read.

VISCOUNT DUNCAN could not suffer this Bill to pass without thanking the noble Lord the First Commissioner of Woods and Forests (Lord Seymour) for the readiness with which he had embodied some suggestions of his (Viscount Duncan's) in the present Bill, which he regarded as one of the most important Bills passed this Session. Hereafter he believed it would be found that the revenues of the Crown estates would be sufficient to maintain the Crown without drawing upon the 365,000*l.* which Parliament had voted for the Civil List—a sum which he was far from thinking too large to maintain the Crown in due dignity and splendour. During the last year the sum of 200,000*l.* was paid into the Exchequer from the land revenues of the Crown, which went to the diminution of the Civil List. He believed his noble Friend deserved great credit for the able and honest way in which the Bill was drawn up.

LORD JOHN RUSSELL said, the noble Lord who had just spoken had been at the head of the Committee appointed to consider this subject, and had devoted great labour to it. His opinion was therefore the more valuable.

Bill read 3°, and *passed.*

CIVIL BILLS (IRELAND) BILL.

Order for Third Reading read.

Mr. SHARMAN CRAWFORD said, he could not allow the third reading of this Bill to pass without again protesting against certain words in the 73rd clause. He was the more anxious to renew his protest upon this occasion, because the noble Lord at the head of the Government had not been present when the former debate upon that subject took place. The clause involved the question of the relations between landlord and tenant, which he had understood the noble Lord had promised to introduce some measure to settle; and he wished to know what was the noble Lord's intention with respect to that question in the next Session. He protested against any new legislation of that sort on that subject, and against giving further powers to the landlords before the whole law of landlord and tenant was considered. Another objection which he had to the clause was the fact that the greater part of the lands of Ulster was held by smaller tenants under a tenancy at will.

Mr. SCULLY said, he also must protest against the words in the clause. The people of Ireland fully expected that some measure would be introduced by the Government, and felt indignant at the way in which they had been treated in respect of this Bill. If some protection were not afforded to that class of men who were particularly affected by that clause, in the south of Ireland they would be swept away from the land. He hoped the noble Lord would withdraw the clause.

Mr. O'CONNOR was sure the noble Lord did not understand the effect of this clause. All the landlords of Ireland, nearly, were absentee landlords, and they did not care one farthing for the tenants, and the tenants did not dare to improve the cultivation of their lands lest the agent should raise their rents. He had the greatest confidence in the good feeling of the noble Lord, and he hoped that he would yet see the propriety of withdrawing this clause.

Mr. G. A. HAMILTON said, if the noble Lord at the head of the Government had been present upon the occasion of the last discussion upon that question, he would have heard, amongst other observations, the unanswerable arguments of the right hon. and learned Attorney General for Ireland, and the right hon. Baronet the Secretary for Ireland, and which had induced the Committee to pass that clause. He thought, with those two right hon. Members, that the clause in question was a tenant's and not a landlord's clause, inasmuch as it would put an end to that objectionable custom of serving notices to quit every year.

Captain JONES said, he would support the Bill, which he thought was a good one. He protested against the language used by the hon. Member for Nottingham (Mr. O'Connor) with respect to Irish landlords; and he thought that if the law was passed, they would not take advantage of it for the sake of oppressing their tenantry.

Mr. TORRENS M'CULLAGH suggested that it would save the public time if the third reading was allowed to be moved, and then raise the discussion on the Amendment of which he had given notice on the 100th clause.

Mr. REYNOLDS said, he would take every opportunity afforded him of protesting against and opposing the 73rd clause. He could not but congratulate the Government on having availed themselves, in the absence of the right hon. Baronet the Secretary for Ireland, of the services of the hon. and learned Member for the University of Dublin (Mr. Napier), in defending that clause. He objected to it, because it was an attempt to introduce into a Bill for the regulation of the inferior courts, a matter totally at variance with the spirit of the measure, and because it took away from the tenants of Ireland a protection which they now enjoyed. Although there were many of the landlords of Ireland good and excellent men, as a body generally they were the most cruel, heartless, and persecuting set of individuals on the face of the globe, armed with a power to oppress and persecute their tenantry. He denied that that was a tenant's clause, and did not see why it should be confined to that poor class of men to whom only it was applicable,

Mr. GOOLD said, he did not see why tenant debtors should have greater advantages than other debtors; but, at the same time, he did not approve of this clause being introduced in a Bill which gave no protection to the tenant. The landlords had been blamed for depopulating the country. The fact was, that owing to free trade arable land had been turned into pasture, and in consequence so many tenants could not obtain a subsistence on the soil as formerly, and a portion of them were compelled to go elsewhere to find subsistence.

Mr. FREWEN thought the attacks made on the landlords of Ireland as a body were most unjustifiable. The Government were entitled to thanks for having brought in the Bill. He did not think it went as far as the law of landlord and tenant in England.

Lord JOHN RUSSELL said, he was sorry for the absence of his right hon.

Friend the Chief Secretary for Ireland, but he was too unwell to attend. With regard to the question now before the House, he should say it had been frequently considered by the Government, and it always appeared to them that an amendment of the law in this respect was much required. It was apparently a privilege for the tenant that he should not be ejected without a considerable time elapsing, some six months or more, before the notice took effect. In fact, it was a hardship on the tenant that the landlord should be induced to give notice to quit, in order to have the tenant in his power in case he should wish to enforce the payment of his rent. And that view appeared to have been taken by the Committee, for the clause in dispute was agreed to by a majority of 56 to 20, of which there was a majority of 23 Irish Members against 18. He thought, therefore, the clause would be an advantage and not a hardship to the landlord and tenant. The hon. Member for Rochdale (Mr. S. Crawford) had asked him two questions—why he had not introduced a Landlord and Tenant Bill this Session, and what he intended to do in this respect next Session. With regard to the first of these questions, he need not enter into any explanation. It must be obvious to the hon. Gentleman and to other hon. Members, why it was that they were not able to bring in more Bills. But with regard to the second question, he must remind the House that no agreement had been arrived at as to any plan for improving the law of landlord and tenant in Ireland. Those who had extreme views—extreme views which amounted to this, that the property of the landlords should be transferred to them—had been so persevering in their attempts that they had prevented any such agreement, and there was nothing that the Government would be able to propose which would go much beyond giving facilities by which the landlord and the tenant might agree as to giving security to the tenant as to any improvement that might be made. He must say, that whatever might be said with regard to Irish landlords, he did not think that any general observations against them were just. There were severe expressions applied to certain landlords which were not more than adequate; but to apply those expressions to other landlords would be doing them a great injustice. He was convinced that instead of benefiting the landlord and tenant, by introducing a law which would

lead them to insist upon certain rights, the landlord having certain property which no Parliament could take away, such a law, instead of improving the present state of things, would make it worse. He was induced to say thus much, because, after all that had passed, he thought it would be doing wrong to hold out the expectation that Government was going to bring in a Bill which would entirely settle this question with regard to a settlement of which they must, after all, look to an improvement in the state of society in Ireland rather than to any legislation.

Sir CHARLES BURRELL said, he attributed the distress of Ireland to the alteration in the corn laws. Many severe observations had been made on the landlords of Ireland, particularly by the hon. Member for the city of Dublin (Mr. Reynolds), but he must say he did not think they were justified. He was nearly connected with a gentleman holding considerable property in Ireland, and he believed that a better landlord did not exist.

Mr. BUTLER said, he had voted for free-trade measures in the absence of any instructions from his constituents; but he had lately received petitions and communications from farmers and millers which showed that what the hon. Baronet had just said was correct. He thought the hon. Member for the city of Dublin had used stronger language about the Irish landlords than he was justified in using. The resident landlords of Ireland were always kind to their tenantry; but it was their agents and those of absentee proprietors who were guilty of acts of oppression.

Bill read 3°.

Mr. TORRENS M'CULLAGH moved to omit in Clause 100 the words "other than in ejectment and replevin." He said they had struck off one protection of the Irish tenant by depriving him of the right of notice to quit. What he now asked was that in the County Court the tenant should have, as in England, the right of having a jury if he chose. The noble Lord at the head of the Government had referred to the majority against him (Mr. M'Cullagh) the other day; but that boast was rather inconsistent, as the Irish Members who voted against the Amendment were those who had told them that day that they attributed the evils of Ireland to free trade. And the noble Lord overstated the majority, for it was only three, and three were placeholders. He had heard with surprise and pain the declaration of the noble Lord that all they could hope for was a permissive Bill for landlords and tenants to enter into arrangements between themselves. He thought that declaration most unfortunate; but however that might be, he confidently appealed to the justice of the noble Lord to give to the tenant the benefit of a jury in the County Court, as all classes had in England.

Amendment proposed, in page 49, line 27, to leave out the words "other than in ejectment and replevin."

Mr. HATCHELL said, he must oppose the Motion. If they were to have a jury in all these cases, instead of the County Court being a Court for obtaining speedy decision, great delay and expense would be occasioned. He had never heard any charge against the assistant barristers that they gave unjust decisions; but in all cases where there was conflicting testimony, the assistant barrister might call in a jury, and a jury might be had on appeal to a Judge. In this country the parties could have a jury if they chose; but in not one case in a thousand did they require a jury.

Mr. REYNOLDS, in supporting the Amendment, said, he must repeat what he had before said, that there never was a body of men in any country, civilised or barbarous, who had been guilty of greater atrocities towards their fellow beings than many of the landlords of Ireland. [The hon. Member then went into a long statement, and read various extracts detailing circumstances connected with evictions in Ireland, and contended that he was borne out by those allegations in all he had put forth.] He would vote for the Amendment although he knew what would be the result.

Lord NAAS protested against the course pursued by the hon. Member for the city of Dublin in coming forward without notice to make a general attack upon a whole class of persons in Ireland who had, during the recent scenes of famine, pestilence, and distress, discharged their duties with so much perseverance and zeal. He did not mean to say but that individual cases of oppression might be found; but that was no ground for pursuing a course than which anything more unworthy the character of a Member of that House he could not conceive. Let the hon. Member honestly give notice of his intention to make a sweeping charge against the landlords of Ireland in that House, and they would be ready to meet him there. Within the last three years about 6,000,000*l.* had been paid for poor-rates in Ireland, and it was on the landlords the chief of that burden fell.

Question put, "That the words proposed to be left out stand part of the Bill."

The House *divided*:—Ayes 51; Noes 6: Majority 45.

Bill *passed*.

The House adjourned at half after Two o'clock.

HOUSE OF LORDS,

Monday, July 14, 1851.

Minutes.] *Took the Oaths*—The Lord Harris.
Public Bills.—1ª United Church of England and Ireland; Churches and Chapels (Ireland); Ecclesiastical Residences (Ireland); Militia Ballots Suspension; Woods, Forests, &c.; Court of Chancery and Judicial Committee.
2ª Ecclesiastical Jurisdiction; Highway Rates; Loan Societies; General Board of Health.
3ª Lodging Houses.

BUILDING FOR THE EXHIBITION OF THE WORKS OF INDUSTRY OF ALL NATIONS.

Lord CAMPBELL presented a petition against the continuance of the Crystal Palace. His Lordship stated that the first name on the list was that of his learned Brother (Mr. Justice Cresswell), a lawyer, a scholar, and a gentleman who was an ornament to his profession and his country; and, amongst other names of the greatest respectability and distinction were those of the venerable mother of the Earl of Clarendon, and of the sister of Lord Auckland. The petitioners expressed a wish, which he believed was unanimous amongst persons of all classes, always excepting some publicans and keepers of beerhouses, who profited by the crowd of visitors, that at the termination of the Exhibition the Crystal Palace might appear only in history; and several clergymen joined in the prayer of the petition, who desired for the sake of morality, that the Commissioners should not be absolved from the solemn pledge which they had given that the building should be removed within a given time after it had fulfilled the purpose to which it was destined. An active agitation was going on upon this question at present, the ground of which, he believed, was that the health and enjoyment of the people would be promoted by allowing the Crystal Palace to remain in its place. But, upon this point, their Lordships might permit him to quote a passage from an article in the last number of the *Quarterly Review*, which was evidently the composition of a gentleman who was profoundly versed in literature, as well as skilled in science. The writer said—

> "Were the Crystal Palace to be kept up in spite of rather strong pledges, and, as some prophesy, to present us by and by with a wilderness of walks meandering through bowers of exotic bloom, it would be the most insalubrious promenade in London; the rather and choicer the Flora, the less entitled to rivet your admiration, young ladies! On a sultry summer's day, fairly divided between heavy showers and scorching sunshine, you have seen a bottle of claret—or the decanter to which it ought not to have been transferred—or a caraffe of water from the deep well—brought into your dear papa's comfortable dining room; before it stood long on the table the bright glass was dim, and soon down trickled the dew-drops, running races which should reach the bottom first; well, permit us paternal reviewers to whisper that after half an hour's walk through the frosty air you are the cool claret bottle, or the caraffe of spring water, when you enter the seductive orchid house. The dew does not run off your encasing integuments, but it saturates them. You might almost as wisely take a walk on the floor of the aquarium as here. If you doubt our word, go and stand before the nearest kitchen fire, and see how you will reek and steam. What would your mamma say—what would Sir—— or Dr. ——, who has taken such pains with you, think if you were to spend two or three hours in the laundry during the height of the engagement on a washing day? As you happen to have lungs and a skin, it matters not what you are looking at, as long as the atmosphere is the same—whether at the brightest of flowers or the most prismatic of soap bubbles. No indoor promenade should tell more forcibly on the hygrometer, or indicate the dew point with greater suddenness, than a common sitting room. But in this arid climate, even the camellia casts off its blossom buds. It disinherits its own lovely offspring, and rejects them with as decided a scorn as if it had discovered that it was producing a crop of Hygeian pills instead of pure ornaments for innocent beauties. The climate of the orange, not that of the camellia, may do for a winter garden. If ever our admirable palace of glass becomes a showy, steamy, suffocating Jardin d'Hiver, it will be a capital thing for the apothecaries; such a vigorous crop of colds, coughs, and consumptions will be raised, that it will be the walk, if not the dance of death, to frequent it."

That was the testimony given by an impartial writer against the visionary scheme of Mr. Paxton, who talked of transferring to this country the sunny clime of Southern Italy. For his own part, if the Crystal Palace were to be retained at all, he (Lord Campbell) thought it would be best to convert it into an enormous shower bath; for, however admirably adapted it was to the purposes for which it was intended, it had now become essentially necessary to elevate umbrellas inside the building whenever a shower of rain came on. That would probably be the last time that he should have the opportunity of raising his voice on the subject, for he should be obliged to leave town early to-morrow in the discharge of his duty to administer justice to Her Majesty's subjects; but he would leave the matter in their Lordships' hands without any fear, because he did not believe that the two Houses of Parliament would assume the functions of his Holiness the Pope, and absolve Governments and individuals from the solemn promises which they had given.

Petition ordered to lie on the table.

BOOTY IN THE PUNJAB.

The **Earl of ELLENBOROUGH** rose to put a question to the noble Lord the President of the Board of Control respectin the booty taken in the Punjab, amounting, he believed, to 131,000*l*. He wished to know what had been done with it? Had the Directors of the East India Company memoralised the Crown for the distribution of it among the army?

Lord BROUGHTON was understood to reply that that was the course which had been pursued by the East India Company, except that the Directors had sent their memorial, in the first instance, to the Lords of the Treasury.

HORFIELD MANOR ESTATE.

The **Bishop of OXFORD** rose to move for the production of certain papers containing the Correspondence which had passed between the Copyhold Commissioners and the Ecclesiastical Commissioners touching the Horfield Manor Estate. His motive in calling for these papers was to avail himself of the opportunity of stating before their Lordships and before the country certain facts regarding recent transactions relating to the Horfield estate, which appeared to him to have been grievously mis-stated, in a manner to damage the character of a right rev. Friend of his who was now absent on the Continent, and was prevented from returning immediately in consequence of indisposition. He mentioned the fact of the illness of his right rev. Brother, not for the sake of predisposing their Lordships to a favourable judgment of his case, because he thought it needed no such partial view; he did it simply to bespeak their kind attention for himself, who was about to lay before their Lordships the case of an absent and calumniated brother. He should not trouble the House with any remarks on the mode in which the charges to which he was about to refer had been made, the motives which dictated them, or the persons who had brought them forward. He believed that if he were to indulge in any such remarks, he should have to condemn himself for what he condemned in the authors of those charges, namely, that they had made them in a place and under circumstances which prevented the possibility of an answer. He should take it for granted, therefore, that every misstatement of which he should complain, had been accidental, and that the motives of the accuser had been of the purest and most unimpeachable character. He had to deal with facts, and to convince their Lordships, and through them the country, that those facts had been thus mis-stated. The shortest and simplest way in which the question could be treated was this:—He would first state what the charges were which had been preferred against his right rev. Friend; he would then put the House fully in possession of the facts by stating what he considered to be the true view of the case; and he would afterwards give the proofs which he had by him to show that his view was the correct one. Now, the charge was to this effect—that when the see of Bristol was united to the see of Gloucester, the property of the see of Bristol was, under power given by Acts of Parliament, made over to the new Bishop of the united sees of Gloucester and Bristol; that one property, named Horfield Manor, stood, if not legally, yet equitably and morally, upon a different footing from any other property belonging to the see of Bristol; and that his right rev. Friend the present Bishop of the united sees of Gloucester and Bristol, on taking possession of that see, was perhaps equitably, but certainly morally, bound not to deal with that estate in the same manner as with the rest of the property belonging to the see, but to deal with it on different principles altogether. The charge was, that under such obligations, his right rev. Friend, when he became bishop of the united sees, had first endeavoured to sell his right in that estate of Horfield to the Ecclesiastical Commissioners; that the Ecclesiastical Commissioners—as it was suggested, in order to prevent a great scandal—consented to the bishop's proposal; that an agreement, which was at first intended to be private, was entered into for the transfer of that property for a fixed sum; that the solicitor of the Ecclesiastical Commissioners felt so ashamed of the transaction that he refused to incur the responsibility of carrying it out; that thereupon he was directed by the Ecclesiastical Commissioners to prepare a scheme for the purpose of procuring an Order in Council to sanction the transfer; that upon its being applied for, a Member of the other House, who had discovered this treachery, called the attention, first of the Attorney General, and afterwards of the First Lord of the Treasury, to the job which was about to be perpetrated; and that, owing to the watchfulness and readiness of that noble Lord to prevent it, it was defeated, and the right rev. Prelate lost his bargain; that then the bishop did nothing until the last life named in the lease dropped, and that he then granted a fresh lease, his own secretary being the lessee, and his own children being the three lives put into the lease; and that the right rev. Prelate by so doing had violated his implied, if not his express engagement. He (the Bishop of Oxford) begged their Lordships to remark the full amount of the imputation contained in those charges. It would not do to make imputations of the gravest possible nature, and then to ride off on another charge; but in this case it had been stated that "no man except a dignitary of the Church would dare to carry out such a transaction, and afterwards show his face in public as an honest man." Now, what he (the Bishop of Oxford) begged to state in answer to these charges was this, that the Bishop of Gloucester received that estate of Horfield upon precisely the same footing that he received the other estates belonging to the see of Bristol; that there was no understanding, direct or indirect, in reference to that estate; that in dealing with that estate he was not violating any honourable understanding made either by himself or his predecessor in the see; that he did what the Legislature intended him to do with every property of the see over which he was placed; that he had entered into a negotiation with the Ecclesiastical Commissioners respecting the disposal of it of his own free will and accord; that his object, in wishing to carry out that negotiation, was, as he would show hereafter, a singularly liberal thing—that it had been defeated on a mere point of technicality by the law officers of the Crown—that he had never said to any man that he would not lease that estate—that he had always been ready to lease it on certain conditions beneficial to the Church and to the estate itself—that he had now leased it for three lives to his own secretary as a means of retaining in his own hands the full and entire control and direction of it—and that he had thus taken measures to carry out his own liberal policy, although he would not state what the objects of that policy were, lest they should seem to be the effect of pressure from without, rather than of his own liberal and ingenuous disposition. That was his case. Whether his right rev. Friend had adopted the wisest and most prudent course in carrying out this liberal intention was another question, upon which he (the Bishop of Oxford) would not then pronounce an opinion. It might be the best, or it might not; but he thought he should be able to show their Lordships that it subjected his right rev. Friend to no possible just imputation upon his liberality of intention. Now for the proof. The statement was, that first of all his right rev. Friend was, as to this estate of Horfield, differently situated from other properties belonging to the see, because two of his predecessors had refused to renew the lease on the dropping in of the lives, with the view of allowing it to fall in for the benefit of the Church, and that therefore his right rev. Friend was bound in like manner to allow the lease to drop. The first of these was Bishop Gray. He (the Bishop of Oxford) stated advisedly that, amongst many cases of misrepresentation, he had never heard of one in which every single incident had been so misrepresented and twisted to a false issue as in the present instance. The first statement was, that when the first life of the lease dropped, Bishop Gray thought that he might renew, but that when two dropped in, he thought that he ought not to do so. Now, what was the fact? No negotiation took place between Bishop Gray and his lessee until after the second life had dropped. Next, there never was any breaking off of that negotiation, but Bishop Gray died while it was still going on; and there was the testimony of Dr. Shadwell to prove that all the difficulties attending the transaction had been cleared away, and that the renewal would have been completed if it had not been for the death of Bishop Gray. Well, his death then took place; and the next statement was, that Bishop Gray's determination having been made known to Lord Melbourne, he told it to his successor, Bishop Allen, on his appointment, and stipulated with him that he should not renew, and that Bishop Allen gave a pledge to that effect. Now, in the first place, Bishop Allen himself stated—this he mentioned on the authority of the Bishop of Gloucester, who might be considered an interested party—but Bishop Allen himself told the Bishop of Gloucester that Lord Melbourne informed him that his attention had been called to the matter, but that he saw no reason for putting any impediment in the way of the renewal of the lease, and that he would leave him at liberty to act as he might think best; and in fact Bishop Allen was himself in treaty for a renewal of the lease when he was translated to the bishopric of Ely. What was the proof of this? In the first place, he had the statement of Mr. Charles Clarke, an eminent solicitor of Bristol, to prove that his father was the confidential agent of Bishop Allen, and was employed by him to renew the lease; and two of the witnesses before the Committee on Church Leases (1838) a witness (Mr. V. Stuckney) stated that—"The two late bishops (Gray and Allen) refused to renew because the lessee refused to give the fine they asked." And at pages 294 and 295 of the same report, another witness (Mr. J. P. Sturge) stated that—"There was a negotiation between the late Bishop of Bristol (Bishop Allen) and the lessee, but they could not agree." And, again, the same witness further stated that the renewal was one "in which the bishop and the lessee could not agree as to the amount (of fine), and consequently no renewal was made." Thus the declaration of his right rev. Friend the Bishop of Gloucester was corroborated by two witnesses of unimpeachable character. The next statement was, that in 1842 it began to be rumoured that the present bishop was about to renew the lease; and that the Ecclesiastical Commissioners, upon hearing the rumours, desired their secretary to write to the bishop on the subject, expressing a hope that the reports were unfounded; that the bishop replied that he felt aggrieved by the supposition that he entertained thoughts of renewing; and that if he did so, he should be doing something unbecoming a bishop, and would be leaving a lasting reproach to his family. He (the Bishop of Oxford) believed that that quotation from the reply of the bishop had been one of the main things that had stamped disgrace and odium upon his right rev. Friend; and he would now assert, first, that after going through every document

The Bishop of Oxford

in the Ecclesiastical Commission Office, no communication of any kind had passed between the Commissioners or their secretary and the Bishop of Gloucester, in the year 1842, or for five years afterwards; so misinformed were those who had put forward these statements. But that was not all; and now he begged their Lordships to notice what did happen. In 1847 new schemes were being carried out by the Ecclesiastical Commissioners as to the sums to be charged upon future vacancies upon bishoprics, and amongst others upon the bishopric of Gloucester and Bristol. It was made to appear to them that the see of Bristol would bear a larger future charge than had been put upon it. They, therefore, passed an order putting that larger charge upon it, and resolved upon taking this estate of Horfield upon the next avoidance of the see to the Episcopal Fund of the Commission. Accordingly, this resolution was intimated to the bishop, and he felt considerable annoyance at it, because he thought the arrangement would be unfair, not to himself, because it did not affect him, but to his successors, who, he thought, would be left poorer than they ought to be. And then, in 1847, there did happen a communication between the solicitor of the bishop on the one side, and the solicitor of the Ecclesiastical Commissioners on the other, which related solely to the manner in which the arrangement could be satisfactorily carried out; but there was no hint in any one word, either on the side of the Commissioners or on the side of the Bishop, that there was anything like moral obligation one way or the other involved in the question of renewal. But there was an answer of the bishop upon which this misrepresentation had been based. The bishop, from the day that he had taken possession of the see, felt that the peculiar tenure of the Horfield estate was a most injurious tenure to the Church, because it prevented improvements being carried out; and therefore he stated that he never intended to renew the lease upon the terms upon which it had hitherto been granted; but he never gave the least hint in the world of not granting a different kind of lease. The ground of the words of which use had been made was this. The bishop addressed a letter to the Commissioners, in which, after having stated that he felt considerable annoyance at the Commissioners not communicating with himself, instead of sending their solicitor to his solicitor, he proceeded to say—

> "I learn that a report of my intention to regrant this lease for lives as heretofore has been several times matter of conversation at the board, and has been spoken of in terms of condemnation. Of the existence of the report I was aware, as well as of its origin; the authority being certain printed evidence given before the Ecclesiastical Leases Committee of the House of Commons some years ago, by a land surveyor of this neighbourhood, who stated that he understood such to be the intention of the bishop. [This person, to whom I never spoke, is notorious for his unfriendliness to the Church and Churchmen.] His assertion, as coming from an individual who could know nothing about me, I treated like a newspaper report, with silent contempt. To have noticed it publicly at the time would have been thought by some presumptuous, by other ridiculous. However, the manner in which I spoke of this evidence in conversation is at least a proof that I did not meditate acting the very part which he had assigned me."

It had been stated that there was a blank after the word "very," which was intended to be filled up with "disgraceful," or "shameful," or some word to that effect. Now he (the Bishop of Oxford) could assure their Lordships that there was neither blank, omission, nor erasure at the word "very;" that the words followed each other in the closest contact. It was this letter, written in 1847, which had been assigned by the accusers of the right rev. Prelate to the year 1842; and hence the obloquy thrown on his right rev. Friend by those who took it for granted that he had written, "I am sorry the Commissioners should suspect me of acting so very —— a part," and hence the fine embellishments about blanks and erasures of Mr. Horsman. The sense was distinct, and it was clear that he did not meditate acting the part attributed to him. There was nothing like an intimation that the bishop thought it was a disgraceful thing to renew the three lives. The charge proceeded to state that—

> "Under these circumstances the Ecclesiastical Commissioners were surprised, at the commencement of 1848, by reciving a communication from the Bishop of Gloucester, stating his intention to renew the lease, and giving them the refusal of it for the sum of 11,500*l*. The Ecclesiastical Commissioners desired their Secretary to write to the Bishop, reminding him of the moral obligation he was under not to renew the lease. The Bishop answered that he knew nothing of any moral obligations; that he had a legal right; and if the Commissioners did not choose to pay him 11,500*l*., he would renew the lease, and alienate the property from the Church."

Now no such letter was written by the Secretary, and no such answer was sent by the Bishop. But the case was still stronger, for instead of the Ecclesiastical Commissioners having been surprised at hearing a rumour of the bishop's intention, the real fact was that they themselves received, in February, 1848, a communication from the Bishop of Gloucester, stating his intention to renew the lease, and opening a negotiation with them, offering to part to them his interest in this estate of Horfield Manor. The Commissioners having taken the property in reversion, and the bishop thinking it was for the good of the Church that they should have it at once, and carry out the improvement he had intended, offered to part with his interest to them. That letter was received on the 21st of February, and on the 24th it was referred to a select committee of the Ecclesiastical Commissioners, not very likely either to perpetrate or connive at a job, as Sir J. Graham was its Chairman. On the 4th of March this letter was transmitted from that Committee to his right rev. Friend : "Your letter has just been brought before the Finance Committee, who felt strongly the liberality of your offer." This was the letter which was said to have been a gentle reminder from the Secretary of the Ecclesiastical Commissioners of the moral obligation which his right rev. Friend was ignoring. The negotiation then went on. They had been told that "the Ecclesiastical Commissioners had agreed most improperly to deal with the bishop, and to pay him 11,500*l.*; that they endeavoured, not openly, but privately, to arrange the transfer ; that the deed of transfer was submitted to their solicitor, who refused to incur the responsibility of being a party to it." Now, how stood the facts ? The Commissioners being satisfied that there was neither legal, equitable, nor moral restraint, came to the unanimous resolution that the bishop was not bound to deal differently with this from any other property, and they drew a plan transferring it to themselves, and passed a resolution, and sent it, not to the solicitor, but to an eminent conveyancer, Mr. Dugmore, requesting him to advise by what legal document the conveyance of the Horfield Manor estate could be made from the Bishop to the Commissioners. His answer was that by the provisions of the statute of the 13th of Elizabeth, which had never been repealed, it would be necessary to do it, not by a simple conveyance, but by an Order in Council. And yet it was made an insinuation against the Ecclesiastical Commissioners and his right rev. Friend, that they were prevented from carrying out this job by the watchfulness of a Member of the other House. The Order in Council, having been drawn out, was sent in May to the law officers of the Crown to be approved. It was considered by them for a month, and then they returned it, stating that they saw a legal difficulty, in consequence of the act of the Commissioners, in transferring the estate after the next avoidance, and on that ground the Order in Council was defeated. The bishop naturally felt that he might be maligned on the ground that the negotiation had failed, and he called upon the Commissioners to express their opinion upon the subject ; and at a very large meeting of the Board, at which were present not only the late Archbishop of Canterbury and a great number of right rev. Prelates, but also the Earl of Harrowby, Sir James Graham, and Mr. Goulburn, a resolution was unanimously carried, of which he would read an extract from the minutes of a general meeting, held on Thursday, the 13th of July, 1848 :—

"Present—the Archbishop of Canterbury (in the chair), the Earl of Harrowby, the Bishop of London, the Bishop of Durham, the Bishop of Chichester, the Bishop of Gloucester and Bristol, the Bishop of Oxford, the Bishop of Salisbury, the Right Hon. Henry Goulburn, the Right Hon. Sir James R. G. Graham. The Bishop of Gloucester and Bristol having pressed the Board to an early settlement of the pending negotiation concerning the Horfield estate, and expressed his desire to be set free from his agreement, unless it can be speedily arranged, it was, after full discussion and reference to the secretary, resolved, 'That the Bishop of Gloucester and Bristol, having been under no obligation, legal or equitable, to deal with the Horfield estate otherwise than with any other estate of his see, and having made with regard to it liberal offers to the Board, the Board are anxious to avoid all needless delay in bringing the negotiation to a close, and desire their secretary to communicate this wish to the law officers of the Crown."

The remaining charge was, that, on the dropping of the last life, the bishop had renewed the lease in the way he had said he would never renew it. Now, how was that ? If his right rev. Friend had renewed that lease by selling it to a second party, as was commonly the case, allowing him to put three lives upon it, he would have done the thing he said he would not do ; but he put in his secretary as a nominal lessee to represent himself, and he then filled up the lease with three lives in order to retain full power over it, so as to carry out the improvements which, from first to last, had been his object. He now possessed the power to determine that lease whenever he thought proper, and was able to carry out all the improvements he desired. He had already laid out a large sum in enfranchising the copyhold. He had received nothing, but spent much, and to avoid the reproach of grasping, he gave up a living which he held *in commendam* of the same value as what he would have received from this estate. But it was said that his children would have the benefit of the estate for three lives, while he had only given up the *commendam* which he held for his own life. Now when the bishop was in negotiation with the Commissioners for selling his interest in the Horfield estate, the terms were 11,500*l.* So fully was it believed that the scheme would be carried into effect, that the purposes of the bishop with regard to it became accidentally known, in consequence of which an official statement was made to his clergy as to the manner in which he intended to appropriate that sum. Some years before he lent, out of his own private fortune, 5,000*l.* for the purpose of establishing an educational institution in the neighbourhood of Bristol, which appeared to be very desirable. He had not given it, because he thought it would not be just to his children, but he advanced it on the condition that his children should receive it back again. Recent circumstances had made it very problematical whether it would ever be repaid, and he therefore arranged, that if his family did not receive back this sum of 5,000*l.*, 5,000*l.* of the 11,500*l.* he was to receive for the Horfield estate should go to repay his family, and the 6,500*l.* should go to endow small livings in the diocese of Bristol. Now he would ask their Lordships, as honourable men, whether the man who intended so to appropriate the money, should be treated as if he were avariciously disposing of this estate for his own selfish advantage? And he would ask their Lordships one other question—whether, if this accusation of baseness had been brought against them, if they had been so pursued by the envenomed tooth of slander, he would ask, if they cared for their honour, would any of them have made public their liberal intentions when such false charges were made? That was the state of things. This was not an alienation from the Church. The property was in the power of his right rev. Friend, and, from his experience of the past, he was confident it might be safely left to his honourable intentions. His right rev. Friend stated that he had taken this course because he knew of only three modes of dealing with the property. One was, that he might have let it during his incumbency, in which case it would have deteriorated in value every year, from the impossibility of carrying out the necessary improvements; secondly, if he had let it for twenty-one years, he would have been prevented by the copyholder from carrying out his improvements; and he said the only other thing was to fill it up in the way he had done for three lives, not taking a fine and alienating it from the Church, but putting in one who only represented him as a trustee, and so enabling him to carry out his intentions. He (the Bishop of Oxford) had told his right rev. Friend that if he would communicate to him in a written form what his intentions were, he would lay them before their Lordships; and what did their Lordships think was his reply? He would read it to them:—

> "Those who know me will believe that the same feelings animate me now as before; but I will not at this time enter into any promises or engagements. Those who wish to know my particular views and intentions must infer them from what I have already done. *Spectemur agendo.* I have surrendered an equivalent church income. I have expended a good deal, and have committed myself to expend a good deal more in the permanent improvement of property to which the reversioners contribute nothing, and I have signified my intention to endow the living at the first avoidance with the rentcharge. It is true that I have ulterior views, should my life be spared long enough; but I will not specify them, nor will I at the present time make the least further promise or engagement. You know the bitter and unscrupulous warfare by which I am assailed. It is impossible for me to say or do anything, however disinterested, to which a bad colour would not be given; and were I to make any promise with regard to Horfield at the present moment, it would infallibly be attributed to fear of him who has determined, *per fas atque nefas*, to destroy my character."

His right rev. Friend called on their Lordships to judge from his past actions what his future would be, if he were left free from the venomous poison which had so long embittered his life. He (the Bishop of Oxford) thanked their Lordships for the indulgent kindness with which they had heard him. He could assure them that the expression of their sympathy would be dear to his right rev. Brother, who, without friends or patronage, had, by the force of his learning and ability, raised himself to eminence in the Church and in society; who had been, in his diocese and among those who had known him, remarkable for nothing more than his openhanded liberality; who, absent from his country, sick in body and depressed in spirit—at an age almost reaching the period assigned to man, was unable to defend himself in person against the unrelenting persecution to which he had been so long exposed; and who, under the unexampled misrepresentation of which he had been made the victim, would feel it one of his highest gratifications to know that this statement had been made openly before the country, and to find that he still retained the love and admiration of their Lordships.

The BISHOP of LONDON said, that, after the able and feeling address of his right rev. Friend, he would only add that, from a long and intimate acquaintance of more than five-and-forty years with the right rev. Prelate, the subject of this discussion, he felt justified in asserting, without fear of being contradicted, that their Lordships and the country might safely leave the interests of the Church, so far as they were connected with this question, in the hands of the right rev. Prelate, with the assurance that he would do that which was just and true; and that as in former years a deserved reproach had never been cast upon him, so in the remainder of his days he would do nothing to discredit the character of a well-spent and virtuous life.

LORD CAMPBELL could not refrain from expressing his satisfaction at the well-proved statement of his right rev. Friend, which must remove from the minds of their Lordships and of the public every particle of suspicion that might have been supposed to exist. He had enjoyed the friendship of the Bishop of Gloucester for a great many years. He had always considered him one of the most kindhearted and generous of men, and it would have surprised him indeed if on this occasion his right rev. Friend had forfeited the character he had hitherto sustained. It turned out that there was not the smallest ground for the imputation which had been cast upon him. It all rested on this false statement—that his right rev. Friend had received the estate of Horfield under different circumstances from that relating to any other property belonging to the see. His right rev. Friend had demonstrated that there was not the smallest pretence for such a statement, and that his right rev. Friend had as much right to grant a lease for three lives of this property as their Lordships had to grant a lease of any other property. That being so, it appeared that a most cruel and unfounded attack had been made on his right rev. Friend, arising from his generosity in undertaking to give more than one-half of the premium he was entitled to receive, for the purpose of ecclesiastical endowment. It happened, too, that the present Bishop of Gloucester had consecrated more churches in his diocese than had been consecrated within that diocese from the dawn of the Reformation until his appointment; and had contributed most liberally to all charitable purposes. He would transmit to his children the fair fame which he now enjoyed, and which they would consider a richer inheritance than any wealth which he might bequeath to them.

The EARL of HARROWBY said, he would bear witness to the perfect correctness of all the facts connected with the Ecclesiastical Commissioners to which the right rev. Prelate had referred. The Bishop of Gloucester was under no obligation, legal or equitable, in any way to deal with this property otherwise than with other parts of the property in this see; and he was much surprised to hear the statement that the Bishop had in this instance departed from that line of conduct by which he had hitherto been distinguished. Having had the happiness of living in his diocese, he could bear testimony to the right rev. Prelate's acts of kindness and liberality. He was content to leave the matter entirely in his hands, being fully conscious that he would use this property in the most advantageous way for the interests of the Church. He could not understand the conduct of Gentlemen professing themselves attached members of the Church, whilst they were doing all in their power on every occasion to assume everything evil in the conduct of the heads of that Church. He considered the whole matter perfectly clear, and that the right rev. Prelate had been actuated by no other motive than a desire to promote the interests of the Church.

On Question, *agreed to.*

COURT OF CHANCERY AND JUDICIAL COMMITTEE BILL.

The MARQUESS of LANDOWNE, having moved the First Reading of this Bill,

LORD BROUGHAM said, that as he should not have an opportunity of again addressing their Lordships during the present Session, he would take this occasion to state his approval of this Bill. It was certainly unusual to make any statement on the first reading of a Bill, but he had

had occasion to deviate from that practice more than once with respect to Law Bills, in order to obtain a discussion, and, as the result of that discussion, the opinion and assistance of professional men in various parts of the country. He approved of the Bill as far as it went, and considered it a step in the right direction; but in Committee he trusted some changes would be made; and there was one change to which he wished particularly to call the attention of his noble and learned Friend on the woolsack, namely, with respect to the branch of the Bill that referred to the administration of justice in the appellate tribunal of the Privy Council. There were two matters which ought to be carefully considered respecting the Judicial Committee, before passing this Bill into a law. The first was whether the quorum ought to be reduced, as this Bill proposed, from four to three. He entertained a very strong opinion in favour of four. All the experience of Westminster Hall was strongly and clearly, and upon the soundest reasons of practice as well as of principle, in favour of four Judges, in preference to three; and the reason was this, that on all great occasions, where there was a decision at all, there was the great authority of a majority of three to one. If that was reckoned essential in Courts of the first instance, how much more material was it to clothe with authority the decisions of the Court of Appellate Jurisdiction, deciding in the last resort the most important questions, and whose decisions nothing short of an Act of Parliament could affect? The other point, which he hoped would not fail to receive attentive consideration, was the propriety, not to say necessity, of giving a constant President or presiding Judge to that Judicial Committee. A lay President of the Council, although admirably discharging his functions where no very nice or difficult question of law arose, could not be expected to feel any confidence in his own opinion, or take any part in discussions of that description. That there should be a President answerable, more or less, for the regulation of the proceedings, the attendance of the Court, and the distribution of the business, had been admitted from the first time that he proposed this measure, and obtained the concurrence of their Lordships and the other House to its passing. A Vice-President of the Council, or some such officer, had been more than once recommended, but the recommendation had not been carried into effect. His noble and learned Friend who succeeded him (Lord Lyndhurst), had been so clearly of this opinion, that he and the noble and gallant Duke, in 1841, had done him the honour to press the acceptance of this place upon him, which he had declined merely for reasons personal to himself, as indeed both Lord Lyndhurst and himself had formerly stated to their Lordships. With regard to the former point he had omitted one subject, namely, that when the Court consisted of an even number, the decision might be two against two; but during a sitting of eighteen years in the Judicial Committee, that accident had happened only once, and nothing would be easier to prevent such an accident than by calling in of one or more other members, a facility not enjoyed by the Courts of Westminster Hall. With respect to the other parts of the Bill, he generally approved of them. There might be some difficulty with respect to the Court of Chancery. When only two Judges sat on an appeal from the Vice-Chancellor or the Master of the Rolls, the decision might be formed in such a manner as to lead to an appeal. There were some other difficulties, such as taking the Chancellor away from his court for the purpose of attending the House of Lords or the Judicial Committee; but these defects might be remedied in Committee. There was one defect in the Judicial Committee still unsupplied, to which he begged the attention of his noble Friend. No provision whatever was made with respect to cases which indeed rarely occur, but which have occurred, and which he feared were likely to be more numerous than they had hitherto been—he meant cases involving spiritual questions of a highly important nature, of an exceedingly difficult kind, and, without speaking irreverently, he might add, of an exceedingly obscure nature. The members of the Judicial Committee were admirably adapted to deal with questions of Common Law; well conversant on others with the doctrines of the Consistorial Courts and with the learning of the Civil Law; well adapted to deal with questions of evidence, whether that which was deserving of the name, the evidence taken at Common Law, or that which passed under the name which was taken, or which appeared to be taken, in courts of another description. But with regard to those other matters to which he had adverted, which his noble Friend opposite, the Lord High Commissioner of the

General Assembly of the Church of Scotland (Lord Belhaven), would admit were spiritually difficult questions, the Judicial Committee had a great authority, no doubt, but moderate sources of information; and his brethren of that Committee had authorised him to confess that with those subjects they felt themselves little fitted to deal. Upon this class of subjects they desiderated not control, but help. Their Lordships did not want a body established which should dictate to them; but they wished to have, what it was right they should have, the aid, the inestimable benefit, of the assistance of men learned in that branch of learning. He hoped, in the further progress of the Bill, or afterwards by a separate measure, the Judicial Committee would be furnished with some such assistant tribunal in spiritual matters, some such aid as Courts of Equity found in the Courts of Law; and that as the Courts of Law were ancillary to those of Equity in this respect, so some Spiritual Court would be ancillary to the Judicial Committee of the Privy Council in their province. When he said that the present measure was a step in the right direction, he must add that it was not a very long step—it was not at all a stride: but if any man thought that this, or any other structural alteration in the Court of Chancery—if any man dreamed that such a measure laid the axe to the root of the greatest and most grievous of the many crying evils that afflicted the subjects of this country, as regarded the administration of justice, not the Judges or the practitioners, but the unhappy suitors of the court, although he admitted that it would, nevertheless, do justice to the suitor, and enable him to obtain that which he had a right to obtain at a reasonable cost of money, of trouble, and of time—if any dreamer, he repeated, believed that any structural alteration of the Court of Chancery would do all that was wanted, such dreamer was in a fool's paradise, and would awaken to a sad reality that would belie all he had fancied in his slumbers. Why, it would alarm their Lordships to hear some of the proofs which the Committee over which he presided had lately been receiving, of the state of things in all the Courts of Equity, and in all the branches of these Courts. Their Lordships had victims among themselves; and he saw a noble Friend of his then present on the cross benches, who went into Chancery to recover a sum of 500*l.*, and who had the misfortune to deal with an insolvent party and his professional adviser. There being fraud connected with the case, he had to go into Chancery, and 1,200*l.* for costs were expended in obtaining that 500*l.*! The noble Lord succeeded, and perhaps on tolerably cheap terms, considering what the Court of Chancery was—certainly he had heard of cases where the rate of charge was far higher. But the noble Lord would have been better off by 700*l.*, had he put up with the loss of the 500*l.*, and declared that he would not, in order to recover it from the fraud-monger, resort to the law-monger, who had thus turned out far the worse of the two, taking 700*l.*, when the other had been content with five. In another case, 38,000*l.* had to be distributed—merely distributed. There was not a single debt, and there was no dispute; and nineteen out of twenty of the claimants would have been alarmed at the very idea of going into Chancery. It was requisite to take an account; and they said, "Let it be taken by a common accountant, and on no account go into Chancery." But, unhappily, one of the number became bankrupt, and his assignees insisted upon carrying the case into Chancery. It lasted eleven years, from 1840 till 1851, and the costs were 2,827*l.*! The system was not confined to great cases—it was equally oppressive in the smallest. An infant was entitled to an income of 155*l.* a year. Four years were consumed in Chancery without any opposition or contest, simply in the infant obtaining the income which was his own; and in getting paid out to him those four years' income, 68*l.* a year, on an average, was expended in the costs of "common orders, and motions of course." Thus altogether, 270*l.* had been expended in costs in a case in which there was no contest, in order to get 620*l.* In another case, 10,000*l.* were claimed. It went into Chancery in 1835. In 1840, after it had been there five years, a respectable solicitor found it in the Rolls, "set down to be heard," in some way, at some stage or other. It had actually, in five years, by the "forcing process" of the Court of Chancery, ripened so prematurely, that it was "set down for a hearing," in 1841; and the solicitor gave evidence of the case in that year, before the Committee of Lord Cottenham. Well, their Lordships would scarcely credit it, that same solicitor was, last Tuesday, examined before the Committee, over which he (Lord Brougham) had the honour to preside, about that same suit; and stated that it was "in the Rolls;" just set down again for a hearing—another hearing of some other sort! And it would take at least five years more before it was "ripe" for final settlement. Why, just conceive the claimant to have been a young man wanting the money to start in life—unable to obtain it—obliged to start without it; suppose for India. In 1840, let it be supposed, the man starts for India, having learnt that the cause, after five years, has just been "set down for hearing in the Rolls." Eleven or twelve years elapse, the man comes home, after much service, and having escaped the risks of sea, and of climate, and of war, and inquires about his 1,000*l.* and the cause. "Oh, it is just set down for hearing in the Rolls!" "In the Rolls!" he might exclaim; "why, I left it there twelve years ago." "Well, at all events, I hope it is ripe for final decision now?" "Not at all; it will take at least five years further to settle it!" "Oh, I may as well go back to India again!" might the poor claimant exclaim. And nearly 2,000*l.* had already been expended in recovering that 1,000*l.*—about 200 per cent. Why, well might the man exclaim, "Let me go back to India! They have cobra de capello there, they have boa constrictors, they have tigers and jungle fevers, and all sorts of horrid chances, but, at all events, they have not this dreadful place, which, as he dared not name, should be nameless. In another instance, stated by one of the taxing masters, Mr. Follett, brother to his late loved and lamented friend, Sir William Follett, there had been 90*l.* costs incurred about a question whether 10*l.* should be expended in repairing part of a house—a certain necessary place which he would no more name than he would the Court to which he referred. In another instance there had been a reference to the Master for impertinence, that is to say, for the insertion of matter wholly unnecessary to be set out in the proceedings, which, of course, increased the expense. It was a gross and glaring case, and the Master allowed 20*l.* to the party complaining, in order to compensate him for the needless costs. The other party appealed to the Vice-Chancellor; the order, after sending the matter back to the Master, and annulling reports, was affirmed. The appellant carried his appeal to the Chancellor; the decree was affirmed. But the matter had now been carried on nearly three years, and at an expense to the respondent, the original complainant, of 800*l.*, of which he only got allowed by the taxing officers, as against the opposite party, 750*l.*, leaving 50*l.* to be paid by himself; so that, deducting the 20*l.* allowed by the Court for the impertinence from the 50*l.* the party had to pay who had complained of the impertinence, it appeared that he was 30*l.* out of pocket, and had better have left the matter alone, to say nothing of the delay and the heavy costs to the other party found to be in the wrong. These were the sort of cases constantly occurring. He need not remind their Lordships of the case mentioned by his noble and learned Friend (Lord Lyndhurst), in which that able Judge, Vice-Chancellor Knight Bruce, had held up the voluminous affidavits in a case—nineteen-twentieths of which were superfluous—to the execration of all honest, right-minded men. Nor need he remind them of the case of Day and Martin, in which, out of a fortune of 400,000*l.*, from 70,000*l.* to 80,000*l.* had been spent in costs! Was it possible that their Lordships could longer resist the conclusion to which the people had already arrived, that the axe must be laid to the root of these crying and intolerable evils, and that if, to use the words of Lord Chatham, as to reforms of another description, "you do not consent to reform yourselves, the people will come in upon you and reform you with a vengeance?" He was not, however, one of those rash and unreflecting reformers to whose outcries he had often adverted. He had constantly maintained that to make reform salutary you must make it safe, and that to make it safe you must leave it to men of skill, and to men well informed and experienced, and not allow the ill-informed to interfere. But of this he was certain, that in proportion as you delayed reforms which were wanted, and delayed the execution of the duty of looking to the administration of the relief and redress required, the result would be, that by rash and wholesale changes the good would be swept away with the bad, and there would be realised, in respect to our jurisprudence and judicature, not only the vanity and instability of human institutions, but the ruinous folly of those who, from fear of granting a moderate and safe reformation, risk the hazard of rapid and reckless demolition. He would not then consider in what direction the knife should be used, or indicate the measures which he might deem necessary, or describe those which were before their Lordships, of some of which he approved (as the Bill now before them, and another before a Select Committee), and as to which he was sanguine in the hope that they would apply a great though not sufficient remedy to the evil. He hoped, however, that instead of stopping there, much time would not elapse before, in addition to those most valuable measures which had been sent from that House during the present Session, and were now passing, he trusted successfully, through the Commons (the Registry Bill, one of the most important ever proposed, the County Courts Extension Bill, and the Law of Evidence Bill)—all of them measures which would greatly diminish the evils to which he had adverted—he hoped that in addition to those the public mind would be directed—as the attention of the most learned in the profession was pointed towards its adoption as far as possible—to the fusion or combination of the systems of law and equity. His hope was, that those who were younger would live, without living very long, to have the happiness of seeing, among others, this great improvement in our jurisprudence, and to find real progress made in the amendment of the law. He apologised for speaking at such length on this stage of the Bill. Nothing should have tempted him to take so unusual a course as to address their Lordships on the Motion that this Bill be read a first time, but that during the last five or six weeks he had with very great difficulty, and against the opinions of his medical advisers, attended the service of their Lordships' House. During the last week or ten days this difficulty had increased, and become more insurmountable. In the hope of assisting in the passing these measures in a cause to which his life had been devoted, he had struggled to the last, until he found that he could struggle no longer. It was with great pain that he was compelled to withdraw himself from their Lordships' House before the close of the Session, when he considered that the great cause of religious liberty, in more shapes than one, was in danger, and when he desired to co-operate in the philanthropic measures of his noble Friend (the Earl of Shaftesbury). It was a great pain to him to leave the service of the House at such a time, but it was his bounden duty no longer to incur the risk which he had not hesitated to run when he thought it absolutely necessary. The Bills which he had brought in for amending the law had either passed their Lordships' House, or been, from circumstances unconnected with himself, postponed of necessity till next Session. He now had nothing more to do than to thank their Lordships for having heard him so attentively, and respectfully to take his leave of them for this Session.

The LORD CHANCELLOR was extremely glad to find that the Bill now on their Lordships' table met with the approbation of the noble and learned Lord. He would not follow the noble and learned Lord through the statements he had made on other important matters, because the present was not quite the proper occasion for doing so; but he wished to observe, that as he was aware of the many defects in the Court over which he presided—defects which were the growth of time, and which had existed during the period when his noble and learned Friend and others had held the great seal—immediately upon his entering upon the duties of his present office, a selection was made of gentlemen among the most informed at the Chancery Bar, the most alive to the defects in the court, and the most fitted to suggest a remedy; and those gentlemen were called upon to act as a Commission to review the whole system of Chancery practice. They had since been most diligently employed; and his noble and learned Friend being aware of the character and ability of those gentlemen would doubtless derive considerable comfort from the confidence he must entertain, that an inquiry conducted by such gentlemen must be followed by some effective measure of reformation. There was already a report on the table from the Commission, which had reviewed the whole proceedings at Common Law; and a Bill, which he hoped to present to their Lordships before the close of the Session, was being prepared from the materials of that report. It was not likely that a report from the Chancery Commission could be so far advanced as to allow of a similar step being taken with respect to it in the present Session; but it would, so far as it might receive their Lordships' approbation, be most carefully carried into effect. The noble and learned Lord's suggestions with respect to the present Bill, would receive the most careful attention. They had principal reference to the Judical Committee of the Privy Council; but the present Bill addressed itself to the remedy of a particular evil, namely, to prevent the recurrence of the inconvenience which was felt to arise last year from the absence of several of the learned Judges in the Courts of Equity in consequence of illness. It did not profess to go further, because, as the commission to which he had alluded was in actual operation, it was thought better to wait for the report with a view of then applying a general remedy for existing defects. Considering that the noble and learned Lord had presided over a Court such as he had described, the details which he had given certainly entitled him to great sympathy.

LORD BROUGHAM said, that he had endeavoured to apply as much remedy as he could to the defects which were justly complained of. He should like to know when steps would be taken to turn to public account the Criminal Law Digest. It was thirteen months since that he received a letter from the Chancellor of the Exchequer, stating that no time would be lost in doing so. Were proceedings in respect to that to be conducted with the same snail-like pace as business in the court to which he had just directed their Lordships' attention?

Bill read 1ª.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 14, 1851.

MINUTES.] PUBLIC BILLS.—1° Poor Relief Act Continuance; Sale of Beer (No. 2).
2° Copyhold and Inclosure Commisioners; Victoria Park; Constabulary Force (Ireland).

DUBLIN HOSPITALS.

On Question that Mr. Speaker do leave the Chair for the purpose of going into Committee of Supply,

MR. REYNOLDS said, that as the forms of the House prevented more than one Motion being brought forward as an Amendment upon going into Committee of Supply, he would waive the series of Resolutions which stood in his name on the Notice Paper, and bring forward, with the concurrence of the hon. Baronet the Member for Clare (Sir L. O'Brien), the Motion which stood in that hon. Member's name on the Paper with respect to the Dublin hospitals. He understood that the determination of the Government to reduce the grant formerly allowed, was founded on the report of a person who was formerly an officer in the Chief Secretary for Ireland's office, had betrayed his trust and fled to America, and was now published in the *Hue and Cry*. Yet it was on the evidence of such a person alone that the charitable institutions of Dublin were to be destroyed by the withdrawal of the grants. The Irish Members were almost unanimous on this subject; and he himself that day had had the honour of attending as a member of a deputation which waited upon the Premier to represent the evil of withdrawing these grants; and an address to the same effect, signed by ninety-four Irish Members of Parliament, and by twelve English Members connected by property in Ireland, was presented by the deputation to the noble Lord. Yet not a particle of attention was paid to their remonstrance; but they were drily told by the Premier that the Chancellor of the Exchequer would explain in Committee of Supply what the Government intended to do. Not only the Irish Members, but all the public boards in Dublin, including the Dublin Corporation, had petitioned against the withdrawal of this grant. It was said it was to be withdrawn, because there were no such grants to hospitals in England. The hospitals in Dublin were differently situated from those in England, the latter having Royal grants and munificent endowments, which stood to them in the place of the Parliamentary grants which were hitherto enjoyed by the hospitals of Dublin. These hospitals were very useful to classes which received no relief under the Poor Law Act; and industrious artisans and labourers, reduced to destitution from temporary sickness, derived succour from them without undergoing the degradation of becoming inmates of the workhouse. But if the present grants were withdrawn, Dublin would not be able to bear the additional charge, being already too distressed by the withdrawal of the Irish nobility and gentry from that capital on account of the Act of Union; and therefore the hospitals would have to be closed. The Richmond and the Hardwicke Hospital, he understood, were to be spared, on the ground that they were important schools of surgery and medicine, and were, in fact, a kind of nursery for providing the Army and Navy with some of the best medical practitioners of whom the country boasts. But all the Dublin hospitals were valuable schools of medicine, and they were all, without exception, nurseries for supplying these services; and therefore they ought not to draw any distinction between them. The Lying-in Hospital more than fifteen years ago derived 1,000*l.* from a promenade on its grounds, used by the public on Sundays; but on a representation from the Government against what they viewed as a profanation of the Sabbath, the governors discontinued the promenade, almost on the pledge that the grant from Parliament would be continued. Their income had also been diminished 300*l.* by discontinuing the use of their vaults for the storing of East India sugar, which was now sent to the Custom House. Looking at these things, he doubted whether Ireland, generally, had derived any benefit from the Act of Union; at all events, it had seriously injured Dublin, where the Irish Legislature held its sittings. Of this benefit it had been deprived, while increased numbers of poor sought relief in its hospitals. Not a year passed but the Government did something to impoverish Ireland; this, he conceived, was the last thing of which they could deprive that unhappy country. The Irish representatives were unanimous in favour of his Resolution; all but six, who were not in London, and four who held office, had signed the memorial he had referred to. But for the unfortunate Act of Union, that vote would have been granted by the Irish Legislature without a dissentient voice. But now, after all these diminutions, the Government must deal a finishing stroke at this excellent charity by bleeding it to death, at the rate of an annual reduction of ten per cent from the grant. A breach of faith had been committed; and if this reduction went on, it would require very few years to extinguish these charities altogether. He hoped the House, however, would pause in such an impolitic and inhuman career, and that it would agree to the Motion which he had to propose.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words, 'considering the public importance of maintaining as National Institutions the very valuable Schools of Medicine in Ireland, which have derived their chief efficiency from the instruction afforded by the Dublin Hospitals, to the support of which for a long series of years Parliament has contributed, it is unjust and impolitic to reduce the amount of the annual Grant which was allowed in 1848 and the preceding years to those Hospitals,' instead thereof."

SIR LUCIUS O'BRIEN seconded the Motion, having been made the organ of a great number of the Irish Members, who were unanimous in strongly deprecating the abolition of these grants. At the Dublin hospitals no fewer than 250 students were educated at one time; and these students were sent out to the colonies, to the Army and Navy, and, in fact, to every part of the world; and not only did students come to Dublin from England and Scotland, but they came even from America and the Continental countries, so far and wide had the fame of Dublin as a school of medical science extended. It had also contributed 600 most valuable works to the medical literature of the empire; and not only were these hospitals invaluable as affording relief to the afflicted poor, but many of them had interesting museums and collections connected with them, forming a school of science and art in Dublin, which must inevitably fall into decay if their resources were abridged by Parliament. Upwards of 3,000 beds were provided in these hospitals open to the poor of all nations. The case of Dublin ought not altogether to be treated as that of an ordinary provincial town; because the former resident gentry of Ireland, who previously supported its charities, now took up their abode chiefly in London, and many of them subscribed liberally to the hospitals there; and therefore he thought it was no great claim to make upon the Parliament of this country to ask them to continue those grants which in the aggregate only amounted to 16,000*l.* Why, they spent as much as that upon one of their parks, and double that amount was voted for the British Museum; and although it was alleged that the poor who were accustomed to be relieved by these charities would be assisted from the poor-rates, yet it was clear that that could not be the fact, because the patients at these hospitals were of an entirely distinct class from absolute paupers. In conclusion, he appealed to the House with confidence, whether it was worth while for so small a sum as 16,000*l.*, to break up institutions of such inestimable advantage to the nation as he had stated.

The CHANCELLOR OF THE EXCHEQUER said, he had thought this question had been decided; but as the hon. Gentleman (Mr. Reynolds) had thought proper to raise it again, he would state the grounds why he could not accede to the proposal. If there were any reasons for acceding to it, they were not those the hon. Gentleman had offered to the House. The inference from his speech and Resolution was, that large grants had been made by the Irish Parliament to these hopitals, and that their withdrawal was an act of injustice. The case was not so. Of eighteen of these establishments now receiving Votes of money from the Imperial Parliament, five only received any Votes at all before the Union, for the other thirteen had been subsequently established. He had been reproached with want of readiness in attending to the wishes of Irish Members; but when he found them perfectly unanimous with regard to a Vote of money for Ireland, it did not necessarily follow that the grant should be made. The Committee on the Miscellaneous Estimates had recommended, by a large majority, the discontinuance of these Votes. The Irishmen on that Committee were for retaining them; but every other Member of the Committee was in favour of their discontinuance, as no grounds were alleged in their favour which did not equally apply to the hospitals of Edinburgh, Liverpool, and other places, where a very large proportion of Irish patients would be found, far more than the number of English patients in the hospitals of Dublin. So early as 1817 a Committee had objected to the continuance of these grants. One ground adverted to by the hon. Baronet (Sir L. O'Brien) was of considerable weight, that it was desirable to maintain a school of medicine in Dublin. With a view to maintain that school, the grant to the two large hospitals which constituted it would not be diminished, nor had any diminution whatever taken place in the grants to the Richmond and the Hardwicke Hospitals. Since the Estimates had been prepared, circumstances had occurred which rendered it probable that the grant to another of these institutions might be favourably considered. As similar grants were not made to the hospitals in other towns, he had not the slightest reason for differing from the opinion of the Committee which recommended their total abolition; but in reference to those which were valuable as a school of medicine, that was a reason for abstaining from further reduction.

Mr. ROCHE said, the right hon. Gentleman had given the strangest reason in the world for withdrawing these grants. First, he said he would not grant what Irishmen asked because they were united; and then he said that the majority of the grants had been made by the Imperial Parliament, adding, however, a very good reason why it could not be otherwise, the hospitals did not exist before the Union. Of all times the present was the most inopportune to withdraw the grants from these hospitals. Ruin was staring the people of Ireland on all sides, and, consequently, voluntary contributions were out of the question.

Mr. GROGAN said, it was true that grants were not made to similar institutions in this country, but he had ascertained that five of the great London hospitals had a revenue of 142,900*l*, but of that sum they only received 31,000*l*. in annual subscriptions, the remainder arising from the grants of the Crown in former times, and the gifts of private donors. If they refused the grant to the Dublin hospitals, they must either close them and shut up the medical schools, or support them by voluntary contribution amongst the citizens. The citizens of Dublin were already overburdened. Of 1,447 persons under medical treatment in the North Dublin Union, from the first of May to the first June, 688 were only connected with the county and city—the rest were strangers. He spoke upon public grounds, and for the purpose of maintaining the high character of the Dublin Medical School, and to prevent what he believed would be an unmitigated evil. Let there be an inquiry by a tribunal impartially selected, and he and the Irish Members would abide by the result of that inquiry, whatever it might be.

Mr. VERNON SMITH said, that, as he presided over the Committee to which reference had been made by his right hon. Friend the Chancellor of the Exchequer, he should say that, in curtailing these Votes, the right hon. Chancellor of the Exchequer was only acting in accordance with the views and opinions of that Committee. The Committee was of opinion that, in proportion as the grants from Government were increased, so did the voluntary subscriptions decline. He (Mr. V. Smith) could see nothing in the condition of Dublin different from that of Liverpool, or many other places, to justify them in granting these Votes. The hon. Baronet opposite (Sir L. O'Brien) would have the House believe that the withdrawal of these grants would be destructive to medical science; but it was an abuse of public money to vote it for the purpose of propping up any particular charity, the necessity of which, moreover, had not been proved.

Mr. SIDNEY HERBERT concurred in the general principle that annual votes of money for the support of charitable institutions were indefensible; but he asked the House to consider whether this case might not form an exception to the general rule. Although the sums hitherto voted might have been extremely small, the evils that would result from the withdrawal of such Votes might be very great. They must remember that the circumstances of Ireland differed materially from those of England; for in the former country there was not the law of settlement or the power of removal which existed here. It must also be recollected that within the last few years they had applied to Ireland, for the first time, the principle of the Poor Law, and had imposed upon that country, at a period of great distress, a very heavy burden of local taxation. It might, therefore, be a question whether the present time was well chosen for the withdrawal of these grants. He hoped that, at least, it would remain open to the Government to consider whether, instead of entirely withdrawing these Votes, a certain sum might not be given to the same institutions, and vested in the hands of trustees, which might be funded, the income continuing for ever after a portion of the funds of those hospitals. The right hon. Gentleman the Chancellor of the Exchequer was willing to make an exception in favour of hospitals serving as schools of surgery; and on the same ground he (Mr. S. Herbert) would recommend the maintenance of fever hospitals, which were especially necessary as schools of medicine in Ireland, fever being the national disease in that country. He was also strongly of opinion that it would be expedient to convert the annual grant into a permanent fund at ten or twelve years' purchase.

Colonel DUNNE protested against the withdrawal of the grants as an injustice to Ireland, and denied that the Committee which recommended it represented the sense of the Irish Members. The question was whether the Irish were to be allowed, out of the enormous sums that arose from the Irish woods and forests, and from the surplus revenue that was transmitted to England, to contribute a certain sum from what was therefore their own money, to maintain medical schools in Ireland. He thought that they were very unfairly treated in this matter; for while this small Vote was refused to the medical establishments in Ireland, he found that the Government were about to propose a vote of 10,000*l.* for a medical museum in London. He hoped that his hon. Friend would bring this subject forward again as a specific question. The Government might depend upon it that the matter would not be allowed to rest until Ireland had obtained that justice which she had a right to demand.

Mr. REYNOLDS said, that he should not call upon the House to divide, but should reserve to himself the right to bring the whole question again under the notice of the House at the early part of next Session.

[Notwithstanding what had fallen from the hon. Mover of the Amendment, there were some "Noes" from the Opposition benches.]

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 106; Noes 43: Majority 63.

Question again proposed.

THE HORFIELD MANOR ESTATE.

Mr. HUME said, he must refer to the subject of the charges which had been brought forward by the hon. Member for Cockermouth (Mr. Horsman) against the Bishop of Gloucester and Bristol, with reference to the leasing of the Horfield Manor estate. The hon. Member for Cockermouth had, in support of his charges, quoted certain documents and papers which were on the table of the House, but that nevertheless the subject had been taken from that House, and some explanations had been made in another place, and where those documents were not forthcoming. The hon. Member for Bristol (Mr. P. Miles) had written a letter to one of the newspapers on this subject; and he (Mr. Hume) thought it would be desirable, if he or any other hon. Member could give any explanation on this subject, that they should do so. He begged to ask the hon. Member for Bristol whether it was his intention to make any statement to the House in explanation of the charges which had been made against the right rev. Prelate?

Mr. P. MILES said, that his object in writing the letter to which reference had been made, was to ask the House and the public to suspend their judgment until a reply to these charges should have been obtained from the right rev. Prelate. That reply had been obtained from him, and had been published in the newspapers. Hon. Gentlemen would form their own opinion as to whether that was or was not a sufficient reply to the charges which had been brought forward. He (Mr. Miles) had his own view of that question. He had stated to the hon.

Member for Cockermouth (Mr. Horsman), that if he brought the subject before the House, as he stated that he would on Wednesday last, he should be prepared to reply to any charges he might bring forward; and whenever that hon. Member did so, he (Mr. Miles) should be prepared to reply. But if the House considered that, after what had passed upon the subject, any explanation was due from him, he was quite prepared to give it them.

MR. HORSMAN said, that he had made a statement in that House as publicly as he could, of circumstances which were to be found detailed in evidence given before a Committee of that House, and which was in the possession of that House. He had made that statement in the presence of various members of the Ecclesiastical Commission. There had been, as far as he aware, no answer or explanation whatever given of those charges. That House knew nothing of any letter written by the Bishop of Gloucester and Bristol, or of any other explanation which had been given elsewhere, on any part of the subject. When he saw the letter which was written by the hon. Member for Bristol (Mr. P. Miles), whose reasons for writing it in the absence of the Bishop of Gloucester and Bristol, and before any communication could be had with him, were to his (Mr. Horsman's) mind quite satisfactory, he immediately saw the hon. Gentleman, and stated to him that, with his views, he felt he was quite justified in the course that he was taking, and that he (Mr. Horsman) would give him every facility for that course. He also said that it was unnecessary for him (Mr. Horsman) to repeat the statement which he had made, but that he thought it would be satisfactory to him (Mr. P. Miles) if he pointed out the specific part of the evidence from which he had drawn his statement. It was unnecessary for him to repeat that statement, but he wished to give the hon. Member and that House the fullest knowledge of the source from whence he drew his inference. They agreed, if possible, to bring the question before the House on Monday before the public business; but it was found impossible to do so, as it was inconvenient to the Government in the first instance, and besides that, there were Members on each side of the House who had Motions on going into Committee of Supply, and who would have been obliged to postpone them had this question been brought forward. It was found equally difficult to bring it on in Committee of Supply, as there were ten or a dozen Motions that had precedence before the Committee; and further than that, every notice day up to the 29th of July was filled up, so that it was impossible for him, however anxious he might be, to bring forward this question any more. He might, no doubt, on going into Committee of Supply, have made a statement, but that was already before the public. It had not been answered, and he should have put himself in a wrong position with the House if he had reiterated a statement of which no explanation and to which no answer had been attempted. The hon. Member for Bristol said that as soon as a letter had been received from the Bishop of Gloucester and Bristol, he felt that the responsibility was taken from his shoulders, and that unless he (Mr. Horsman) made a move on the subject, it was not his intention to bring the question forward. He must say, that he heard with surprise that when a statement was made in that House on evidence before the House, it was not considered expedient to give any answer to it there, but that a right rev. Prelate should be set up to give an explanation elsewhere to an assembly which had never heard the statement, and had not before them the evidence on which it was founded. It appeared to him that the friends of the Bishop of Gloucester and Bristol had chosen the most unintelligible and inconsistent course which they could have pursued. If they had chosen, they might have said that the statement made by an hon. Member of that House was so improbable that it was not worth answering, or that an answer had been given by the letter of the Bishop of Gloucester and Bristol in the public newspapers, and that that settled the question. That would be intelligible; but the course which was not intelligible was, that they should say that further explanation was necessary, and that another answer was required; but that the explanation should be given and the answer should be afforded, not in the place where the statement was made, and where the evidence was in existence in order to substantiate that statement, but in another place, where any one who chose to make an answer to that statement could make it before an assembly who were necessarily ignorant of the circumstances, and where he might speak with all the fearlessness of a man who knew that he could not be contradicted. As far as he was concerned, he thought the public would draw their own conclusions. He had expressed himself ready and anxious to substantiate the accuracy of the statement which he had made; and not only that, but in some points the circumstances turned out stronger than what he had stated. If, when he stated that publicly, and when he had no opportunity of going into that subject, no answer was to be given and no explanation was to be afforded, but the question and the discussion were removed to another assembly, which was necessarily ignorant of the circumstances, all he could say was, that the public might draw their own conclusions; but at any rate he (Mr. Horsman) was in this position, that he had brought before the House an abuse of a very serious character, and if the House did not think it necessary that any further explanation or answer should be given, he did not feel that he was called upon to endeavour to enforce it. The hon. Member for Bristol had told him very fairly, that his motive in writing his letter was to ask the public to suspend their judgment until some further answer was given; and also that he was not aware, and was not a party to any such proceeding as that of which he complained—the removal of the explanation from that to another House. He (Mr. Horsman) was sure that the hon. Member for Bristol was not a party to, and was not aware of that proceeding, but he must say, that a more evasive or unsatisfactory retiring from a charge, or a more full and complete acknowledgement of the correctness of that charge, it was difficult for him to conceive.

Lord JOHN MANNERS said, that the hon. Member for Cockermouth (Mr. Horsman) had intimated that the answer given, in the fullest manner, by the Bishop of Gloucester and Bristol to the charges made against him, and which had appeared in the public prints, was no answer to those charges. The hon. Gentleman had also expressed his great surprise that a further answer was attempted to be given, not in that House, but in some other place. Now, if the hon. Gentleman was so very strict in his observance of the rules of that House, he (Lord John Manners) thought he should in consistency decline to take notice of any debate that might be going on in another place. For his own part, he (Lord J. Manners) regarded the answer which had appeared in the columns of the public papers as an answer to the charges made against the Bishop of Gloucester and Bristol by the hon. Member for Cockermouth; and he thought the hon. Member for Bristol (Mr. P. Miles) was fully justified in considering that the charges were satisfactorily disposed of by the right rev. Prelate himself. If the forms of the House had permitted it, no doubt it might have been convenient to the hon. Member for Cockermouth to have supported the charges which he had made, and to have afforded his (Lord J. Manners's) hon. Friend (Mr. P. Miles) to reply to the charges in detail; but he considered that, under the circumstances, the convenience of the House and of the public was best consulted by the course his hon. Friend proposed to take. He (Lord J. Manners) would only say further that he regretted the hon. Member for Cockermouth should have taken that opportunity of again repeating in very strong, emphatic, and elaborately prepared terms, the charges in which he had before indulged against the right rev. Prelate.

Mr. GLADSTONE said, that he thought it was not desirable that the House should enter on a question of this kind at that moment. In saying this he was not blaming the hon. Gentleman opposite (Mr. Horsman), but was rather excusing himself for not entering upon it, upon this ground, that no notice having been given of the discussion, it would therefore be irregular and improper. Without meaning to go into the discussion, he must say that he thought the hon. Member was quite right in expressing his readiness to enter upon the further discussion of the question, because he was bound to say that his statements of facts had been most seriously impugned on most material points; and for his own sake therefore, as well as for that of other parties, he thought there should be some further discussion on this subject whenever a suitable occasion should arise. It was with great surprise and pain that he heard the detail of the circumstance that was given, he was sure without any intentional error, by the hon. Gentleman the Member for Cockermouth, because he had a very strong recollection that, being much accustomed to hear of the dealings and transactions of different bishops in regard to charitable and eleemosynary objects, there was no man, so far as he was aware, on the episcopal bench who bore a more distinguished character for liberality than the Bishop of Gloucester and Bristol. He (Mr. Gladstone) had no friendship or acquaintance with him, but he must confess that, under these circumstances, it came upon him with great surprise that he should be considered to have been implicated in misconduct of so grave a kind. He would state fairly his own opinion of the vindication of the right reverend Prelate, which, in his opinion, was complete—in some points indeed more than complete, because it established not only innocence, but liberality and high merit on his part. At the same time he admitted the fairness of the course pursued by the hon. Gentleman in challenging further discussion; for he thought it would be for the advantage of all parties that that should take place.

Subject dropped.

Main Question put, and *agreed to.*

SUPPLY—CIVIL SERVICE.

House in Committee of Supply; Mr. Bernal in the chair.

(1.) 4,049*l.*, Bermudas; Vote *agreed to.*

(2.) 1,500*l.*, Prince Edward's Island.

MR. HUME said, that this was a small island with a responsible government for the management of their own affairs; he did not object to the amount of the Vote, but he wished to know what course the Government intended to pursue with respect to the payment of the salaries of the Colonial Governors.

MR. HAWES said, that the Government had not yet fully decided upon the course which it might be desirable eventually to take upon this point; but that in his opinion under present circumstances it was inexpedient to reduce or discontinue the Vote.

MR. HUME said, that there must be some link of communication between the mother country and the colonies, and he did not know how this could be better maintained than by our paying the salary of the Governor. At the same time he thought that that salary should be in some degree commensurate to the other appointments left at the disposal of the local Government, so that the Governor should not, by his possession of a very large salary, be removed from associating with those who were employed in the government of the colony. He should not press a Motion on this subject until the Government should have decided what course they should pursue on this point.

Vote *agreed to;* as were the following:—

(3.) 7,677*l.*, Clergy, North America.

(4.) 13,660*l.*, Indian Department, Canada.

(5.) 70*l.*, Bahama Islands.

(6.) 18,028*l.*, Governors and others, West Indies.

(7.) 36,075*l.*, Justices in West Indies and Mauritius.

(8.) 13,780*l.*, Western Coast of Africa.

(9.) 10,875*l.*, St. Helena.

(10.) 6,359*l.*, Western Australia.

(11.) 1,103*l.*, Port Essington.

Motion made, and Question proposed—

"That a sum, not exceeding 20,000*l.* be granted to Her Majesty, to defray the Charge of New Zealand, to the 31st day of March, 1852."

MR. VERNON SMITH would take that opportunity of asking an explanation with respect to the position in which they stood with reference to the New Zealand Company. By the Act passed three years ago, the company were empowered, on giving three months' notice, to throw up the whole of the concern to the Government, if they found it was less profitable than they had anticipated. After that notice the Government were bound to take upon themselves all the liabilities of the New Zealand Company. Since that time they had heard nothing of the transaction, except that it was publicly known that the New Zealand Company had given that notice. A Commissioner had been appointed to investigate the transaction; but in that House they were ignorant of what had been done. Before Parliament separated, he should be glad to know what was the state of the transactions between the Government and the Company. It was known that the Company were liable to serious liabilities—there were serious disputes respecting those liabilities; the Government might have involved themselves to a greater extent than was known, and might hereafter have to come to Parliament for a Vote for the purpose. He begged, therefore, to ask the hon. Gentleman the Under Secretary for the Colonies, was it likely that he would call upon Parliament for any further sum than was specified by the Act to meet the liabilities of the New Zealand Company? He would also ask him to lay upon the table the correspondence between the Government and the Company under that Act, to which he (Mr. V. Smith) had objected at the time of its being passed.

MR. HAWES said, the Company had given the necessary notice on the 5th of July; but the Government did not then assume all the liabilities—they merely assumed all the legal liabilities with the sanction of Commissioners appointed under the Act of Parliament. That would be rather an inconvenient time to go into a lengthened explanation of the arrangements; but it was his intention in the course of a few days to lay upon the table papers connected with the subject.

Mr. COBDEN could not understand why the people of England should be called upon year after year to defray these charges for the benefit of people at the Antipodes, who were far better able to pay them than we were. This Vote was but a specimen of our colonial system; it afforded an illustration of the folly this country was perpetrating in all parts of the globe. Here was a charge of 2,500*l.* for the salary of a governor, 800*l.* for a lieutenant-governor, and, not content with that, we must support their chief justice, at an expense of 1,000*l.* a year; and this, be it remembered, for a population of some 20,000 or 30,000 emigrants. Then there were charges of 535*l.* for law-officers and clerks, 600*l.* for the salary of a bishop, 590*l.* for chaplains and schools. Here we had to pay for the Army, the Church, the Judicial establishments, and the Governor's salary; and it would appear we had to pay for their Naval establishments also, for he found in the Vote an item of 1,500*l.* for building a vessel for this colony. Then, again, there was a charge for public works and roads, employment of natives, and miscellaneous expenditure, 1,235*l.* Why did not these people pay for these things themselves? Why were we always to be called upon to pay for their roads and public works, and for the employment of the natives for their benefit? To call upon the public here to pay these charges was indefensible and unjust. What return were the people of this country ever likely to get for this money? Was it in contemplation to bring New Zealand within the range of their taxing power? Did they ever expect to get one farthing from New Zealand? He could understand the course taken in the case of a territory where they were going to plant their custom-houses and taxgatherers. But he could not imagine that of New Zealand. They could not possibly have any return, even of the exclusive trade by which they used to pretend they were compensated. He predicted that the people of this country, when they had some voice in the representation of that House, or Members of that House when they did their duty, would have these items struck out. He protested against the payment of the money.

Mr. PLUMPTRE thought there was no colony more deserving of support from the mother country than New Zealand. There was no more beautiful instance of the influence of the Christian religion than in the change which had taken place in New Zealand, which, but a few years ago, was inhabited by cannibals. The hon. Gentleman (Mr. Cobden) had referred to the charge of 600*l.* for the bishop. That was wholly insufficient as the allowance for a bishop whose responsibilities were so great and duties so extensive, and he was allowed another 600*l.* from a religious society. He firmly believed the people of England did not object to this charge.

Mr. W. WILLIAMS considered it would be well if the religious society referred to paid the whole of the salary of the bishop; if not, some deduction should be made for its payment from the enormous salaries of the bishops of this country. He believed the Bishop of New Zealand was a very distinguished person, and he was glad to find that he had a larger amount of salary than was stated in the Vote. He did not think, however, that the people of this country should pay for the maintenance of the bishop, and therefore proposed that the amount of his salary (600*l.*) should be deducted from the amount of the Vote.

Mr. HUME said, there was great complaints made in the public journals and otherwise of excessive taxation in New Zealand. Instead of increasing, the population were flying from the colony. [An Hon. Member: To California.] Yes, to California. In Wellington the expense of public buildings amounted to 14,000*l.*, but there were no persons to occupy them. He proposed to reduce the public works, which were stated in letters and in the newspapers to be preposterous and uncalled for. He thought the inhabitants ought to have a voice in the elections; but though they had passed a Bill giving them a constitution, they afterwards superseded it, and they could not know what their condition is now, except that the Governor expended what sum he liked, and he got whatever he asked. He proposed to take the sense of the Committee as to granting any more money for public works in that colony; and in making that proposition, he would remind the Committee, that the local revenue amounted to

52,969*l.* He proposed to reduce the amount of the Vote by deducting a sum of 10,935*l.*

Motion made, and Question put—

"That a sum, not exceeding 9,065*l.* be granted to Her Majesty, to defray the Charge of New Zealand, to the 31st day of March, 1852."

Mr. M'GREGOR objected to this country being still called upon to pay these charges for New Zealand. He thought the colony should pay all the costs of Government except the Governor's salary and the military establishment.

Mr. HAWES said, the very last account that had been received from the colony showed that, whilst the expenditure of the local government there had been very largely reduced, the revenue of the colony had not suffered any diminution. But the exports and imports had increased, the former especially. The hon. Gentleman the Member for the West Riding (Mr. Cobden) apparently had not taken into account the native population, which now amounted to between 150,000 and 200,000; and though that was a large number as compared with the European settlers, yet in the government of the colony no distinction could be made between those two classes. The Government must extend over all alike. The colony undoubtedly was now advancing at a very rapid rate, and a recent report of the Governor spoke of its being in a state of uninterrupted repose.

Mr. COBDEN said, he must complain that hon. Members were taking up a new position with regard to our colonies. If they were honest, consistent, and logical, with respect to free trade, they should adhere to their original position, and not abandon the notion under which they had taken possession of them. Something had been said with reference to our trade with the colonies; but if anybody would serve them at a cheaper rate than we did, he would obtain their custom; and how was it possible that we could serve them cheaply if we were burdened with excessive taxation for the support of their government? The hon. Member for East Kent (Mr. Plumptre) had set up a claim in favour of New Zealand, upon the ground that we ought to continue to maintain ecclesiastical establishments abroad; but he would ask the hon. Gentleman to consult his constituents and inquire if the people of Kent were in a position to pay, not only for their ecclesiastical establishment in the city of Canterbury, but for an ecclesiastical establishment in New Zealand? He objected to the principle of coming to that House and asking for money under the pretence of sending missionaries abroad. He honoured the men who subscribed voluntarily in order to propagate our Christian faith in other lands; but he objected to the principle of coming to that House for Votes of money under any such pretence, for it too often happened that we covered our misdeeds—bloody misdeeds in many cases—by saying that we had established a church or a chapel in such and such a place. The Spaniards and the Portuguese had planted their cross in South America and elsewhere, and their spiritual devotions had in some respects been carried on amid the screams of those they had massacred. He objected to any imitation upon our part of their conduct, and to the introduction into that House of any question touching the spread of the doctrines of the Christian faith abroad. Let our missionary labours be voluntary labours. It was not the province of that House to promote Christianity either by the force of our arms or by the appointment of bishops to New Zealand. The fact was that, taking all our disbursements into consideration, we were expending far more than 100,000*l.* annually in New Zealand. It was stated the year before last in the Committee, by the late Lord Auckland, that three ships of war would be required on that station. We had a large military establishment there which must be fed and clothed. There had been upwards of 2,000,000*l.* spent there by England since the bequest of a portion of the territory had been made. He did not think the island would ever pay 5 per cent upon what we had laid out on it, for we could never have a large commerce with it. It was not a tropical country; on the contrary, its climate was very similar to our own, and therefore it was not in the nature of things that we could have an extensive interchange of commodities with it. Then, had we not been expending too much upon it? Let the Committee look at the question in a rational point of view. Individual merchants might profit by carrying on trade there; but he wanted the people of England to see how this matter should really be regarded. We ought not to be expending money unless there was some prospect of our obtaining a return; and therefore he protested against the present Vote.

Lord JOHN RUSSELL said, he must

say he did not think the hon. Member for the West Riding had made out a case which would induce the Committee to consent to the Vote being reduced. He (Lord John Russell) owned it did appear to him that this was a subject on which hon. Members might speak without reference to the immediate profit or loss of the transactions of the mother country with New Zealand. What was the general state of New Zealand when we first began to govern it? It was inhabited by a large body of natives, overrun in many parts with a convict population of a most desperate character, who had gone thither from New South Wales and Van Diemen's Land. Many bloody conflicts took place from time to time between the native tribes, which were encouraged by those convict settlers. It became a question with the people of this country whether they should attempt to colonise New Zealand, with a view to the comfort and civilisation of its people; and they were encouraged in the enterprise by missionaries who had been engaged in making voluntary efforts to instruct the inhabitants. But in the attempt to colonise it, the parties engaged in that enterprise proposed to do that which was against the law of the land—they proposed, without the authority of the Crown in this country to establish law in the colony, and to inflict punishment for criminal offences. He (Lord John Russell) was then in the Colonial Office, and he informed those parties that they could not act in that manner without infringing the law of the mother country; and the present Lord Chancellor, then Sir Thomas Wilde, who was consulted upon the point, confirmed his (Lord J. Russell's) opinion. It then became a question whether the Government should not aid that body of colonists, and whether they should not establish the authority of the Crown of this country in New Zealand? He believed that though we were incurring expense for some years in the colony, we were doing, at the same time, one of those noble and heroic works which became such a nation as this—that we were founding a colony which hereafter, when representative institutions should be given to it, would become a prosperous and civilised State; and that it was not unworthy of the people of England to relieve New Zealand from that state of barbarism on the one hand, and from convict incursions on the other, and to bring it into the condition of a civilised nation. It was with that view that the Government began, and had since continued, to grant sums of money from time to time in aid of that colony. He did not doubt that the colonists, when they obtained a Government of their own, and when their exports increased, would be able to defray the whole expense of the colony; and he thought it would not be matter of regret that we had been enabled to establish that colony. He was not ashamed to own that in the beginning of the colony he was a party to recommending the Crown to appoint the present Bishop of New Zealand; and he thought 600*l.* was no extravagant stipend for a bishop. He (Lord John Russell) was not frightened by the name of a bishop—and if a man who was called a bishop would contribute to the civilisation of the country, and labour to unite the people in bonds of harmony and brotherly love, whatever might be the name by which he was called, he (Lord John Russell) thought it was desirable that such a man should be allowed to proceed in that course in the colony. With respect to the question of trade, those advantages were not given which were admitted in former years. But, according to the principles of free trade, that question had two sides; because, in former times, when this country had a colony, they gave it the advantage of their markets, paying a higher price for the productions of the colony. There was an end now to that; no produce of New Zealand had an advantage. It seemed to him that they should go on paying that sum to the colonists of New Zealand, and that the people of this country had reason to congratulate themselves that they had founded a flourishing State in that part of the world.

Mr. HUME said, this was the first time he had ever heard it stated by the Government that this country should be saddled with the expense of additional colonial bishops. Hitherto the Government had always evaded offering a justification. The question which he put to the Committee was this—whether, by agreeing to a vote of that kind, they were not spoiling the colony, and creating extravagance among the public officers there? The only complaint which he made was that echoed by the newspapers in the colony, namely, that the expenses of the Governor and the various establishments were quite disproportionate to the duties to be performed and the extent of the population. With a population of only 10,000 Europeans, they had here between 79,000*l.* and 80,000*l.* expended; and this was exclusive of the expenses for the Army and Navy and Ordnance.

He entirely disapproved of officers receiving overgrown and extravagant salaries, which had the effect of destroying rather than improving the general welfare of the colony. That was the ground, therefore, on which he wished the Vote to be reduced.

MR. PLUMPTRE defended the course the Government had taken in appointing a bishop to New Zealand, and bore testimony to the great and successful exertions which the Church Missionary Society had made in diffusing a knowledge of the truth of Christianity among the natives in the colony.

MR. EVELYN DENISON had understood this Vote was to be defended on the ground that the colony was passing out of the hands of the New Zealand Company into those of the inhabitants themselves. He agreed with the hon. Member for the West Riding (Mr. Cobden), and the hon. Member for Montrose (Mr. Hume), that the public works and roads of New Zealand were not items which ought to be defrayed out of the public funds of this country. He was not prepared to withhold his support to the Vote which was asked, under the peculiar circumstances of the colony; but, looking to the future, he thought it would not be improper in the Committee to express an opinion that such charges as public works and roads in New Zealand were not those that ought to be defrayed out of the public funds of this country.

The Committee *divided*:—Ayes 23; Noes 50: Majority 27.

Original Question put, and *agreed to*; as was also

(13.) 986*l*. Heligoland.

(14.) 5,000*l*. Falkland Islands.

MR. COBDEN wished to know what was the actual population of those islands at the present moment, for the government of which the Committee were asked to vote 5,000*l*.

MR. HAWES said, the actual population was very small; from 100 to 200—probably 120.

MR. COBDEN said, he thought his hon. Friend had rather exceeded the number, for he believed the population was about 100, so that the Committee were voting 5,000*l*. for the government of 100 persons, which was 50*l*. a head. Those who remembered Dr. Johnson's eloquent description of those islands at a time when we were threatened with a war respecting them, might be disposed to agree with him (Mr. Cobden) when he suggested that it would be as well to deal with the Falkland Islands as the House had done with Port Essington.

MR. HUME did not think the population was so extensive as to justify their keeping a surveyor constantly employed, at a high salary. There was a reason for everything. He found among the officials enumerated in the list, a governor, a magistrate with a clerk, a chaplain, a surgeon, and a surveyor. He was sorry to do anything unpleasant or unsatisfactory; but they really ought not to go on voting in this manner.

MR. W. WILLIAMS wished to know what were the duties of the first and second clerk to the acting secretary? Here 5,000*l*. was taken annually out of the pockets of the people of this country, while 750*l*. only was collected among the inhabitants of the island. He hoped they did not complain of being overtaxed.

SIR JOSHUA WALMSLEY asked whether there were any troops there, and whether, in the 120 inhabitants, the governor, chaplain, and surveyor, were included?

MR. HAWES said, that this Vote was not for a colony in the true sense of the word. The Falkland Islands were, in point of fact, a naval station of great benefit and advantage to the power and general trade of this empire; and when we possessed a station of that sort, of course it was necessary we should have some kind of government, and proper officers to carry it into effect. It was always considered of great importance that England should possess this naval station; and he would undertake to say that if we gave it up, there would be twenty others ready to take it. The hon. Member for the West Riding (Mr. Cobden) would recollect that in the Committee on the Naval Estimates it was stated that it was a matter of dispute at one time between European nations as to who should possess the islands. An anxious desire had been manifested by the Colonial Office to reduce the expenditure, and during the last five or six years it had been reduced considerably. In 1845 the vote for the Falkland Islands was 9,800*l*.; next year, 7,400*l*.; and now it was 5,000*l*. The station was a very convenient one for ships coming round by Cape Horn; and in consequence of increased accommodation being provided in the port, it was now much more resorted to by them than formerly.

Mr. SPOONER: There is a surveyor, costing 1,200*l*. What are his duties?

Mr. HAWES: A surveyor is necessary in every colony where the land is let out to immigrating settlers.

Sir JOSHUA WALMSLEY: The hon. Gentleman has as yet avoided answering my question. What is the number of troops in the colony?

Mr. HAWES: There are no troops whatever.

Mr. EVELYN DENISON: I find the sum of 250*l*. set down for "emigration." Of course, the population of 100 find it extremely dull, and must be in want of a little change of company. Are we to understand that the Colonial Office gives a bonus to the new comers?

Mr. HAWES: The 250*l*., I believe, is spent in paying the expenses of pensioners going out from this country.

Mr. W. WILLIAMS: I find that the local revenue in the islands is decreasing. Does this arise from a reduction in taxation, or from the impoverishment of the people?

The CHANCELLOR of the EXCHEQUER: I am afraid the falling off arises from reduction of taxation.

Mr. COBDEN: The hon. Gentleman the Under Secretary for the Colonies has used an argument in support of this Vote which I cannot allow to pass unnoticed. He has stated that these islands are an important station for the resort of merchant vessels. Now I should like the hon. Gentleman to tell us how many merchant vessels touched at these islands in the course of last year. I have not seen the last report of the Governor, but I saw a report of his one or two years ago, in which he states that, although the people had imported cattle, and brought over from the main land herdsmen to take care of these cattle, and had prepared in vast quantities fresh meat for the merchant vessels which were expected, no merchant vessels whatever had put in at these islands. What we want to know distinctly from the hon. Gentleman is this—do vessels coming round the Horn ever touch at these islands? I have my own opinion, and my opinion is that merchant vessels do not.

Mr. HAWES said, he found that in 1849 the number of English vessels that touched at these islands was twelve, and in 1850 they amounted to twenty-three, while the tonnage had increased from 9,200 to 13,672.

Mr. HUME: I will not maintain that this station ought to be given up; but I do put it to the Government whether the station might not be kept up at a considerably less expense than at present. In my opinion, everything necessary could be effected for one-fourth of the present expense. Spain and Holland always make their colonies pay their expenses, and we ought to do the same.

Mr. HAWES: I do not altogether oppose the general Amendment of the hon. Gentleman. I believe that the expenditure in this colony is, indeed, rather large; and I may further state that the subject is at present under the consideration of my noble Friend the Secretary for the Colonies.

Colonel SALWEY: I want to know what is the religious persuasion of the majority of the 100? I ask the question, because I find that 400*l*. is given to a chaplain. I should think that there cannot be more than ten families in the island, and this is rather dear pay for the chaplain.

Mr. HAWES: I can only again say, in reply to these comments, that the matter is under the consideration of the Colonial Office.

Vote *agreed to.*

Motion made, and Question proposed—

"That a sum, not exceeding 15,500*l*., be granted to Her Majesty, to defray the Charge of Hong-Kong, to the 31st day of March, 1852."

Mr. F. SCOTT said, he must oppose this Vote. Hong-Kong was the dearest piece of ground in Her Majesty's possession. Hong-Kong was a place of an extent of only twenty miles, with not more than twenty acres cultivated. Its population did not exceed 33,000. Fifteen-sixteenths of this population were Chinese, only 450 being Europeans and Americans. And this 15,500*l*. was not the only expense. In Hong-Kong there was paid besides 24,000*l*. raised by the taxation of the people there; and thus altogether the place cost 39,000*l*. There was no Chinese of character or education in Hong-Kong. Respectable Chinese altogether shunned the place, and while we were professing to suppress piracy in the Indian Archipelago, we were at Hong-Kong nurturing a population ready at any moment to man piratical vessels in the Chinese seas. A good criterion of the condition of the colony was to be found in the number of persons qualified to serve on juries. In 1848 the number of Europeans qualified to act as common jurors was 186; in 1851 it was only 69; and the number of special jurors had diminished to an equal extent. There was no doubt that the place was fatally unhealthy; and that this would for ever prevent any progress in its population. The Governor and his aide-de-camp received 6,527*l.* 10*s.*; the Colonial Secretary and the Treasury Office received 5,955*l.*; and the surveying department, for surveying about twenty acres of tillage, received 1,231*l.* The trade had fallen off to such an extent that there were only ten English houses, one American, one German, and one Dutch house connected with trade in the island. The harbour-master received 1,116*l* a year, and his duties were performed by a Lascar for 300*l.* a year. The Governor stated in one of the papers laid before that House that this Vote had been greatly diminished. But there had been no diminution whatever in salaries. The decrease was owing entirely to the cessation of those public works, the prosecution of which might have been of some public advantage. He (Mr. Scott) had moved as an Amendment on this Vote last year, that it be reduced by 5,000*l.*, and he thought it his duty to urge the same Amendment this year.

Motion made, and Question put—

"That a sum, not exceeding 10,500*l.*, be granted to Her Majesty, to defray the Charge of Hong Kong, to the 31st day of March, 1852."

Mr. **HAWES** saw in the speech and Motion of the hon. Gentleman but little encouragement to persevere in a rigid system of gradual economy. He (Mr. Hawes) had believed that the papers which had accompanied this Estimate would have satisfied every Member of the House that a safe gradual reduction was being yearly made in this Vote. It was quite true that last year the hon. Gentleman had proposed a reduction of 5,000*l.* in that year's Estimate. But what was the Estimate now? It was 4,500*l.* less than the Vote of last year, yet still the hon. Gentleman asked for a reduction of 5,000*l.* Between the years 1845 and 1851 the salaries of the colonial establishment had been reduced by no less a sum than 6,700*l.* It was not the fact that public works of any importance had been stopped; but of course the expenditure on that head was much less now than in former years. In 1845 the sum expended on account of Hong Kong was 49,000*l.*; in 1846 it was 36,000*l.*; in 1837 it was 31,000*l.*; in 1848 it was 30,000*l.*; in 1849 it was 25,000*l.*; in 1850 it was 20,000*l.*, and this year (1851) it was 15,500*l.* Of course, when the colony was first taken possession of, many public buildings were required, which had long since been completed; and, since 1845, there had been a natural decrease under the head of Public Works. He admitted that when we first occupied Hong Kong, we carried on the government of the colony in the most extravagant manner; but he denied altogether that there had not been economy since 1845, and that great economy was not practised at the present moment. In justification of the present expenditure, there had been a considerable increase in the trade of the colony. Comparing 1848 and 1851, the increase had been enormous. With the increase in the trade, the population had increased, since 1848, by at least 8,000; and, putting these facts together, and taking into consideration also that the expenditure had been considerably diminished, he thought the Committee would admit that there were no grounds whatever for pressing this Amendment. Beyond what he had suggested, it ought further to be remenbered that Hong Kong was of importance to us, affording securities to the English trade in the Chinese seas.

Mr. **HUME** did not consider that the speech of the hon. Gentleman was consistent with the facts of the case. Facts which had come to his (Mr. Hume's) knowledge did not bear out the assertion as to the improvement in the position of the colony. He was altogether misinformed if the colony had not completely failed as respected the purpose for which it had been established. When Hong Kong was taken by us, it was with a view of making it a resort for Chinese merchants, and of removing the British trade from Canton. Nothing of the kind had been accomplished. No Chinese of any position or respectability had as yet settled at Hong Kong. Nothing, therefore, could be more preposterous than to continue this expensive establishment. The Governor, he understood, was coming home soon, and he hoped that the opportunity would be taken by the Government to consider carefully the actual circumstances and chances of this colony. An English Governor at Hong Kong had no more influence with the Chinese authorities than a Governor of the Philippine Islands. In Canton, where some influence for British interests might be obtained, we had no representative in the position to command Chinese respect. Dr. Bowring, our Consul at Canton, was possessed of no influence whatever, and had never yet been so recognised as to procure an interview with the Chinese Governor of Canton. When communications had to be made between the English and Chinese Governments, they had to go from Canton to Hong Kong, and back to Canton; and, of course, in such a case, the Governor at Hong Kong exercised no influence. It was, at any rate, impossible to defend the salaries given at Hong Kong. In a place of twenty miles extent, a surveyor got 1,200*l.* a year. Why, the whole island could be surveyed in a year. For the collection of a revenue of 23,000*l.* a treasurer got 1,300*l.* Why, many an English exciseman collected ten times the sum for a fifth of the salary. Such a colony as Hong Kong ought to be made self-sustaining, and being anxious for a reduction in the Vote, he would willing go into the lobby with the hon. Member who had moved the Amendment.

VISCOUNT PALMERSTON: Sir, I do not at all agree with my hon. Friend (Mr. Hume) that Hong Kong has failed in a commercial point of view; and I think the statement made by my hon. Friend the Under Secretary of State for the Colonies must show that, taking it simply as a commercial depôt, it has answered to a great extent, not perhaps to the extent of which expectations had been entertained; still, even in a commercial point of view, there is a great deal of trade in Hong Kong. It is a place of resort for our merchant vessels frequenting the ports of China. There is, for instance, a very considerable trade between many parts of China and Hong Kong in sugar for exportation to this country. But you must not consider Hong Kong simply as a commercial station. You must consider it also in its political bearings with reference to your intercourse with China. I own I feel it my duty to take the opinion of persons conversant with the trade of China upon the subject, and I may state that there was no one point more pressed by them upon the Government than this, that we ought to obtain some British footing upon the coast of China—some spot, of whatever size it might be, in which British authority, British merchants, British vessels, and British goods might be secured from the capricious and arbitrary treatment which our fellow-subjects and their property have sustained at Canton. The first opinion was, that we ought to have taken possession of Chusan, an island much larger, and, to some extent, better placed with regard to our intercourse with China, but to which there were several objections. The opinion of persons here in England and also in China determined—and Sir Henry Pottinger, in his communication, agreed with that opinion—that Hong Kong was the preferable point of retention. It is, I conceive, of immense importance with reference to our commercial intercourse with China, that there should be close upon the coast of China some place to which our merchants can resort in security without fearing any repetition of those barbarous proceedings that led to the rupture and war between this country and China a few years since. Now, what my hon. Friend has just stated with regard to the manner in which the Chinese authorities behave towards our Consul, is exactly an illustration of what might happen if we should cease to maintain any British authority in China. If our Consul at Canton were to be subject to the caprice and ill-usage of the individual who might happen to be the Chinese Governor in Canton, it is plain that our transactions, whether commercial or political, would be at the mercy, as they were before, of what we, in return for the compliment paid to us by the Chinese, may term the barbarians of Canton. I am not so well informed as the hon. Member for Montrose on many points that take place in China; but it is well known to individuals who have any transactions with China, that of late, and especially since the present Emperor came to the throne, there has been a reaction in Chinese policy against the intercourse with European countries; and that attempts, indeed, have been made to infringe some points in the treaty agreed to at Nankin, against which we have protested, but which we still hope may not be persevered in to the extent to require that any thing more than a remonstrance shall be addressed to a Chinese Government. But if our Consul at Canton has not been hitherto enabled to get over a question of etiquette which has prevented him from having intercourse with the Chinese authorities—and I hold him to be perfectly right in refusing to communicate with persons of an inferior position, and with whom the Chinese Government wished him to communicate—if all these difficulties and obstructions have been thrown in our way at Canton, I do say that it is of immense importance that we should have an official—free from all these interruptions and obstructions—who should be in a position to communicate safely with the Government at home, and with British residents in different parts of China. Now, Sir, the Governor of Hong Kong also possesses a criminal and civil jurisdiction. It was also felt to be impossible that our subjects in China should be liable to Chinese jurisdiction. For a great length of time considerable difficulties arose as to what manner any jurisdiction could be established. An Act of Parliament was passed by which our authorities there were invested with criminal and civil jurisdiction, and by which a considerable portion of the duties were assigned to the Governor of Hong Kong. I really hope, therefore, that the Committee will see that this possession of Hong Kong is of very great importance, and it is not only as a commercial situation, but as a political centre for our relations with China; and I am sure I cannot think that the expense of it is greater than the various considerations, political and commercial, fully justify.

MR. W. WILLIAMS said, he must object to the Vote. What a monstrous thing it was to propose a salary of 6,000*l.* to the Governor of an insignificant colony like that of Hong Kong, whilst the Premier of this country had only 5,000*l.* Dr. Bowring, the Consul at Canton, who was infinitely superior in point of talent to the Governor, only received 1,800*l.* a year.

VISCOUNT PALMERSTON said, he must protest against the comparison of colonial salaries with those of the Secretary of State. For his own part, he considered that his right hon. Friend the Governor of Hong Kong was very much underpaid. They ought to remember that foreign climates were often very unhealthy, that governors were put to great expenses, that they held their offices for a limited period, that they were banished from their homes, and were separated from all their connexions. The China station was extremely unwholesome, and many deserving men had either fallen victims to the climate, or had been obliged to return home. Comparing the salaries paid to the public servants of this country with those paid by private mercantile firms to their agents in China, he did not think they would consider the former too high.

MR. CLAY said, he quite agreed with the noble Viscount, that it was unfair to compare the salaries of one office with those of another. He knew many gentlemen who would gladly accept the office of a County Court Judge at a thousand a year, who would decline that of Lord Chief Justice at 3,000*l.*

MR. HUME considered, that to pay 3,000*l.* a year for receiving and auditing 23,000*l.*, or to pay 1,200*l.* to the Surveyor General of a rock only twenty miles in extent, was a most reckless expenditure.

MR. HAWES thought, that considering the climate, the salaries were not too large. Besides, they had already been much reduced.

MR. F. SCOTT contended that the statements they had heard with respect to the trade with Hong Kong were fallacious. They might as well say that all the ships which called at Cowes traded with the Isle of Wight, as that all the ships which touched at Hong Kong carried on commerce with that port. The fact was, the real commerce with Hong Kong was exceedingly small; and 39,000*l.* was therefore a much larger sum than ought to be spent upon it. As for the unhealthiness of the climate, the Governor of Sierra Leone only received 2,000*l.*; and with respect to distance from home, the Governor of New Zealand, who was admitted to be extravagantly paid, had not more than a third of the sum allowed to the Governor of Hong Kong. The Governor of Western Australia had not more than one-tenth. Considering, then, that the colony of Hong Kong had a revenue of 24,000*l.*, this country ought not to be saddled with 15,000*l.* in addition.

MR. MACGREGOR thought the sum voted for the colony of Hong Kong was too large, but looking at what had been done in the way of reduction of colonial expenditure by the noble Lord the Foreign Secretary, he felt great confidence that he would go further and extend the principles of economy into all those departments where they were still needed. Viewed with respect to their intrinsic value, the Isle of Wight was worth ten times as much as Hong Kong; but considering the increased confidence with which our ships now went to China, compared with what used to be the case, he thought that hon. Gentlemen had treated the colony too lightly. He was sorry, therefore, that he could not vote with the hon. Gentleman (Mr. Scott) who had proposed this reduction. The Governor of Hong Kong had long been his (Mr. MacGregor's) friend, and he felt persuaded that no better appointment could possibly have been made.

CAPTAIN SCOBELL said, that the large

sums voted as salary had been defended on the ground of the unhealthiness of the climate; but they did not pay their troops more for serving there than at ordinary stations, and yet it was notorious that they had suffered severely. He was deeply impressed with the extravagance of the salary of the Governor, and if they agreed to pay it they would be spending public money to great disadvantage.

Mr. HAWES explained that the salary of 6,000*l.* was paid not merely for services as Governor, but for duties as superintendent of the China trade, in which capacity the Governor was thrown into collision with the Chinese authorities, and with those merchants and other persons who resorted to Hong Kong.

The Committee *divided*:—Ayes 39; Noes 65; Majority 26.

Original Question put, and *agreed to.*

(16.) 5,500*l.*, Labuan.

Mr. HUME would be glad to know who the Governor of Labuan was? He understood the Governor and Deputy Governor were both in England.

Mr. HAWES said, the Governor for the time being was a Mr. Scott, who was appointed Lieutenant Governor during the compulsory absence of the Governor, in consequence of ill health. The Vote on account of Labuan was decreasing every year. In 1849 it was 8,800*l.*; in 1850, 6,900*l.*; and in 1851, only 5,500*l.* He might mention incidentally that a gentleman who was instrumental in urging the formation of the colony had calculated the expenditure of the establishment at 5,500*l.*, the precise sum which the Government now asked. Mr. Scott had been surveyor general.

Mr. W. WILLIAMS said, that Sir James Brooke was described as Governor and Commander-in-Chief. What were his duties in the latter capacity?

Mr. HAWES said, that Sir James Brooke was described as Governor and Commander-in-Chief in his patent; but, except in case of war, when he might share some of the responsibility, he had no military duties whatever to perform.

Mr. URQUHART said, that the hon. Under Secretary for the Colonies had been guilty of an inconsistency in having stated that the Governor was Mr. Scott, and in saying immediately afterwards that it was Sir James Brooke. Certainly if the Government could be carried on without the Governor, he did not see that it was much use to be at the expense of having a Governor. But his principal object in rising was to protest against this office and the consulate of Sarawak being held by one individual.

Mr. W. WILLIAMS said, if the duties were performed by the gentleman who received 800*l.* a year, it was a waste of money to give Sir James Brooke 1,500*l.* while he held other offices, and was now at a great distance from the colony.

Mr. HAWES said, it was not fair argument to contend that because the duties were discharged by another gentleman in Sir James Brooke's absence, the office was therefore unnecessary. It should be remembered that out of the 1,500*l.* Sir James Brooke paid one-half to the lieutenant-governor.

Mr. CHISHOLM ANSTEY said, he had a strong objection to every item in the account. He regretted that the settlement at Labuan had ever been formed. More would have been done to promote commerce by the establishment of free ports. He wished to know whether it was a fact that Sir James Brooke had ever visited Labuan since his appointment as Governor, and how long he had stayed there? He suspected this money was voted him to eke out his salary as consul general at the court of Borneo.

Mr. HAWES said, he could only repeat that Sir James Brooke, when absent, only drew half his salary, as was customary with Governors of colonies. He had been at Labuan frequently and for long periods, and had conducted the government in person. One long absence had been occasioned by his having an important mission to conduct at Siam.

Vote *agreed to.*

(17.) 25,331*l.*, Emigration.

Mr. F. SCOTT said, that looking at the actual number sent out under the auspices of the Colonial Land and Emigration Board, the subject seemed to be well worthy of the attention of Parliament. Of 280,000 emigrants last year, 223,000 went to the United States of America, 32,000 to British North America, and 16,600 to Australia. This board had been established, ten or twelve years ago, with a view to the colonisation of South Australia; the vote, at first 5,500*l.*, had been gradually increased to its present amount; and the expenses had risen from 1,000*l.* to nearly 8,000*l.* Just in proportion as this expense had increased, the percentage of persons emigrating to foreign countries had increased, and the number to our own colonies had decreased. In 1838, the number who emigrated to the United States was 14,000, and to Australia 14,000. Last year the numbers had been, to the United States, 223,000; to Australia, 16,000; or only about 8 per cent of the whole. There were now four Commissioners, while at first there was but one; other salaries had been increased; and the expenses of the board had increased to about 50 per cent. It was most essential that a Committee should be appointed next year to inquire into the management of this board. The remittances from emigrants, who went out independently of the board, to their friends at home, resident principally in Ireland, were, last year, 957,000*l.*, whilst the remittances of those sent out by the board were less than 1,200*l.* It was to be regretted that the Commissioners did not give greater publicity to their operations: they were buried in a *cul-de-sac* called Park-street, where few emigrants could find them out; were it otherwise, no doubt the emigration to our colonies would be largely increased. It might also be promoted by making communications to the municipalities of the different towns in the kingdom. The mode of collecting the emigrants, and maintaining them until their embarkation, was also very defective; and the contract, which was ostensibly put up for tender, was given so as practically to exclude competition. The moment he heard that it was put up to tender, he was certain as to who would receive the contract, although the party's charges were from 20 to 30 per cent higher than those of other competitors. It had been given to Mr. Cooper, who was to lay out 500*l.* on improving the accommodation at the depôt at Deptford, although his contract was only for one year. He thought Mr. Cooper ought not to be allowed to lay out so large a sum for so short a contract, because that expenditure would be considered to give that gentleman an inchoate right to have the contract for another year. He hoped the Government would seriously consider whether the Emigration Board might not be made much more efficient for its object.

MR. HAWES said, that the hon. Member was under an erroneous impression in supposing that the increasing establishment at the Emigration Board was accompanied by a correspondent decrease in the emigration to our own colonies. The very reverse was the fact. If the hon. Member had taken the trouble to examine the statistical reports on this question, he would have perceived that the emigration to the Australian colonies, during the last few years, had been steadily augmenting. He could assure the Committee with the most perfect sincerity, that there was not the least disposition, on the part of the Emigration Commission, to withhold from Parliament the fullest information that it was in their power to supply with respect to the proceedings of their department. The only funds at the disposal of the Commissioners were derived from the land sales in the colonies. They expended in emigration the whole amount supplied for that purpose from the colony, and, if that sum fell short, or increased from time to time, the Commissioners were not responsible for it. The hon. Gentleman (Mr. Scott) said they might easily increase the tide of emigration; but he forgot that the present extent of emigration already absorbed all their funds, and that the result of the indiscriminate emigration which would ensue from the communication with all the parishes and Boards of Guardians throughout the country, which the hon. Gentleman recommended, would create discontent, instead of satisfaction, in the colonies. What the colonies wanted was agricultural labourers in the prime of life; and a few years ago, when it was attempted to relieve Ireland of some portion of pauperism by Government emigration, the experiment was obliged to be abandoned. The reason why the accounts of the Commissioners did not come under the notice of that House, was because the funds were not voted by that House, but by the colonies, where the accounts were very jealously scrutinised. The Commissioners had to administer the funds supplied from the colonies, and generally to superintend the working of the Passengers' Act; and for the great amount of emigration to which the hon. Gentleman had alluded, and which went to the United States of America, they were not at all responsible, because that was an entirely voluntary emigration. The hon. Gentleman also said the establishment of the Commissioners had largely increased; but there had been an enormous amount of emigration, and additional offices at different ports had been required to be opened. He believed no deduction could judiciously be made from the Vote. A proposal had been made to the Commissioners by the South Western Railway Company, for collecting the emigrants at the port of Southampton, instead of at the port of London; but the Commissioners considered that that arrangement would have been attended with additional expense, and they felt bound in justice to the colonies to economise the funds. If, however, the hon. Gentleman was able to show that, by collecting the emigrants at Southampton instead of in London, the expense would be reduced, the Commissioners would be glad to adopt the proposal.

Mr. F. SCOTT begged to explain. He was not now going into details, because he would not make a second speech. But he was prepared to say that the emigrants could be collected, not only as cheaply, but more cheaply, at Southampton than at Deptford; and it was only by a fallacious estimate, excluding certain of the items, that a decision had been come to in favour of Deptford, and against Southampton.

Mr. GOOLD recommended Southampton in preference to Deptford as the port for the embarkation of the emigrants. The depôt at Deptford was inconveniently situated as regarded both the railway station and the river; and on the other hand, Southampton would obviate the dangers of rounding the Forelands and passing the Goodwin Sands.

Vote *agreed to.*

(18.) 60,000*l.*, Captured Negroes, &c.

Mr. HUME said, he should be glad of some information from the Government in connexion with this Vote.

Viscount PALMERSTON: Sir, it will be in the recollection of the Committee that last year promises were held out, on the part of the Government, that increased efforts would be made, in addition to those already in force, for the suppression of the slave trade, and in consequence thereof greater stringency has been employed, both on the coast of Africa and on the coast of Brazil. Those efforts have been attended with very great success, which has been even more rapid than could have been anticipated. On the coast of Africa the slave trade may be said to be almost extinguished, for the moment, north of the line, with the exception of Lagos and one or two other places, and there the people, who have hitherto devoted themselves entirely to the slave trade, have commenced to engage themselves in occupations of more lawful traffic, such as the collection of ivory and other products of their country, that European traders will purchase from them. Persons say, in fact, that the propensity to the slave trade exists only in the minds of the chiefs, who get profit by the sale of the slaves; but that the bulk of the people, who are commercial in their turn of mind, are anxious for European commodities, and are willing to obtain them by whatever the European trader will take in exchange. For a long time they thought that nothing but slaves would do; but when they found that they could carry on a trade with Europeans by means of the produce of their country, they were even more willing than we are to do away with the trade in slaves, and endeavours are making to extend and organise a system for the interchange of commercial commodities. Specimens of cotton grown by them have been brought over and submitted for the inspection of the Chamber of Commerce at Manchester, which are reported to be of an extremely valuable kind, and to be likely to produce a good sale in the English market, and be of very great use to the Manchester manufacturers; therefore, as far as the line, the slave trade for the present has been almost extinguished. In the Portuguese settlements it has been very much diminished. The Portuguse Governors have very warmly, and I believe with great sincerity, supported the British admiral and the consular officers. There are at the same time amongst the inferior officers those who still lean to the temptation afforded them by the trader; but we are told that at Benguela and Loanda, and on the Portuguese coast generally, the slave trade is paralysed, and many who were engaged in it have stopped their transactions in the traffic, and are turning to trades of a different and more legitimate nature. On the eastern coast of Africa, the Imaum of Muscat has given facilities which he had not before granted, and the result has been that at the southern extremity of his dominions, where there is a great trade carried on to supply the Portuguese settlements, baracoons have been destroyed capable of holding several thousand slaves. A great blow has also been struck at the slave trade at Zanzibar. On the coast of Africa, therefore, by the great vigilance and activity of our cruisers, by the treaties we have formed with the native chiefs, which I am thankful to say have been observed in many cases with the greatest fidelity and exactitude, by the progress that has been made by Liberia, which has always occupied a considerable extent of coast, and by the co-operation of the authorities in the Portuguese settlements, great progress has been made with the chiefs at Gallinas towards the suppression of the slave trade. I am happy, moreover, to be able to state that perfect and cordial co-operation prevails between the British cruisers and those of France and America. Our Commodore has expressed himself in the strongest terms with regard to the zealous and active support which he has received from the French and American officers employed on the service. Therefore, upon the coast of Africa, a very great impression has been made upon the slave trade. Now, the great place to which the trade was directed was the coast of Brazil, and the inquiries which were made before the Committee which sat upon that subject showed what an enormous amount of slaves were landed upon that coast. In the early part of last year the British cruisers that had for a long time been detained in the La Plata, in consequence of the unfortunate differences that existed between the two Governments, were concentrated on the coast of Brazil, and there operations became more active. Communications took place between the Government of Brazil and the English authorities, and the result was that the Brazilian Government in September last passed an additional law preventing and punishing those engaged in the slave trade, declaring them guilty of piracy, and promulgated fresh regulations for the condemnation of ships employed in that traffic. They had at last exerted that vigilance and put forth that power which was all that was needed upon their part for the suppression of the trade, and the result has been that in the course of eight months, during which they have so acted, they have almost extinguished the slave trade of Brazil. The number of slaves brought into Brazil in 1850 was, I believe, not above one-half the number introduced in former years; of these the greater number were introduced in the early part of the year. But in the first quarter of the present year I believe that very few slaves indeed were brought into Brazil. The number has been estimated at only 200; and I can state that the Government of Brazil is now co-operating most sincerely and effectually with England in fulfilling the obligations of the treaty, and carrying into effect the laws. We have long laboured under a mistake in this country with regard to Brazil. We have imagined that the Brazilian nation was a nation which clung to the slave trade. The fact was, that there were a certain number of Portuguese factors who, by means of their capital, kept up great influence over the minds of persons having authority in the country. But it was a factious opinion, not that of the Brazilians themselves. There has grown up within the last two years a very active anti-slave trade party in Brazil—a party freely expressing its opinion, reading the newspapers devoted to the cause, and pronouncing their sympathies in their Parliament. I believe you may now say that the large majority of the Brazilians are against the slave trade, and the party in favour of it form a very small minority of persons. The result has been that the Brazilian Government has employed several cruisers, co-operating with the British cruisers in seizing slave-trading vessels; they have destroyed their unoccupied baracoons along the whole extent of coast; they have brought to trial persons accused of the trade; they have seized the slaves that have been landed, and even those dispersed in the plantations, and have exercised, in one or two cases, the power of banishing foreigners nefariously engaged in that trade, but whom they were not able to bring within the jurisdiction of their courts. I have heard that a great number of Portuguese traders have quitted Brazil, and returned to Portugal. In the inquiries which I made upon the subject, I was informed by our consuls at Lisbon and Oporto that 140 traders who had been settled in Brazil had fled over to Portugal, and had invested their gains in lands and houses. I was also informed the other day by one of our naval officers, who had recently come from the coast of Brazil, that one man had lost eighty-five vessels, which were captured, and he was informed that they were reckoned at the value of 2,500*l.* a piece. The Committee may therefore judge what has been the effect of the operations of our squadron, when one capitalist alone has lost upwards of 200,000*l.* Another proof that Brazil has given up, to a great extent, the trade in slaves, is, that a large floating capital of 1,200,000*l.* has recently been withdrawn from these pursuits, and has been invested in setting up a bank of discount at Lisbon. The other day, in the Brazilian Parliament, the Minister of Foreign Affairs and other persons of note expressed themselves in the strongest terms, stating that they considered the slave trade to be for ever condemned and put an end to by the unanimous voice of all nations, and they declaimed on the demoralising effect which that trade had upon their own country. They have had, indeed, a pretty good lesson upon that point; for everybody knows the degree to which that terrible pestilence which was imported two years ago from Africa swept along the coast of Brazil, carrying off persons of great weight and influence, and destroying vast numbers of the population; it is, therefore, extremely gratifying to me to be able to state to the Committee that both on the coast of Africa and Brazil—the origin of the traffic and its destination—we are enabled to say that there has been a most happy change, and that a greater result has been accomplished within the last eight months than could have been within the bounds of any one to anticipate. That this will be permanent, provided the pressure, watchfulness, and force of opinion is kept up for a time, I confidently anticipate. Because, on the one hand, those native chiefs will betake themselves to trade, finding it more profitable than slave traffic; and in the meantime civilisation will do its work. The influence of missionaries will unquestionably diffuse the light of Christianity to a much greater degree along the African coast. Other nations will discover what these nations are now discovering, that the slave trade and slave labour have been the ruin and destruction of any country that depends upon it. The Brazilians state, in their discussions in Parliament, that the production of slaves has been the ruin of agriculture in Brazil. The Brazilian Government has been in the habit of using slaves on the public works of the country. Well, what happened a month ago? A gunpowder mill blew up. I will not say whether it was because slaves were employed in it—but the Government came to the conviction that it was better to employ freemen than slaves in making their gunpowder. In the same way they found in the arsenals, fortresses, and docks, that the expense of employing slaves was infinitely greater than that of freemen; for not only a larger number of labourers was required to do the same work which could be performed by a less number of voluntary workmen, but, in addition to the keep of the slaves, they were obliged to employ watchers to keep the whip going and make the slaves exert themselves. It is really lamentable to read the annual reports laid upon the table of the Brazilian House of of Parliament respecting the state of that country. Neither law nor justice exists in any great degree amongst them; no education, indifferent roads, in fact, none of the attributes of civilisation, and they themselves attribute it to the presence of the slave trade; therefore I say that there seems to have taken place a change of opinion which is most encouraging. I am convinced that, if the present system is carried on for some time longer, there will grow up in the minds of the Brazilians an aversion to the trade which will put it out of the power of the Government to relax in their efforts; and I believe it will appear that we have at last succeeded, if not in extinguishing the slave trade, at least in reducing it within the narrowest limits.

Sir JOHN PAKINGTON said, he did not feel so sanguine as the noble Lord seemed to be, that the slave trade would be permanently diminished so long as we continued to give it encouragement by admitting slave-labour produce into this country. The Queen's Speech, at the beginning of the Session, contained an announcement that the Brazilian Government had been taking important measures for the repression of the slave trade; the noble Lord had just given the first explanation they had heard of that passage in Her Majesty's Speech. He apprehended this was not the first time the Brazilian Government had declared the slave trade to be piracy, and without the declaration having produced the smallest effect. He thought after that declaration the House ought to be put in possession of all the papers relating to the subject. He would also observe that there was a strong impression that the slave trade with Cuba had increased.

Viscount PALMERSTON: I am collecting papers on the subject, which shall be laid upon the table of the House; they will contain all the information the hon. Gentleman desires. I may add that, in 1826, the Brazilian Government concluded a treaty with Great Britain, by which they stipulated that the Brazilian slave trade should be piracy, and their subjects who engaged in it should be deemed and treated as pirates. It was upon that treaty the Act of Parliament was founded which was passed in 1845; but the Brazilian Legislature had never passed any law imposing the penalties of piracy upon the trade. The slave trade of Cuba has been reduced for many years to a very low amount as compared with Brazil. I believe, certainly, that in consequence of the great mortality in slaves by cholera, there have been symptoms of giving it a greater degree of activity. But the Spanish Government have given an assurance that they will exert their influence to prevent it; and I have no reason to think that there has been a great increase of slaves in Cuba. It is pretty well known that it is from the coast of Africa, north of the line, that Cuba has been chiefly supplied, and it is exactly that quarter where our operations have been most successful.

MR. EVELYN DENISON expressed the satisfaction with which he had heard the statement of the noble Lord the Foreign Secretary, that renewed and more stringent efforts for the suppression of the slave trade had been made both on the coast of Brazil and the coast of Africa. It was matter of gratification to know that a change of opinion and conduct on this important question had taken place in Brazil.

MR. HUME was happy to hear from the noble Lord that the result of the exertions made was so favourable; but he thought the change in the sentiments of Brazil would have taken place long ago if our squadron had not been kept up in such strength. He hoped, therefore, that its speedy discontinuance would be the consequence, believing that this would do much towards the cessation of the slave trade.

MR. FORSTER was glad to hear that legitimate commerce had taken the place of the slave trade on the coast of Africa. He had never known an instance where that had taken place of the slave trade growing up again. He thought that much of this good result was owing to the Brazilian Government.

SIR THOMAS ACLAND said, he thought that, to whatever causes hon. Members might attribute the results that had been referred to, they all might be allowed to say—and to thank God for it—that a great change in the facts, and a great change in the judgment of that House on the facts, connected with this subject, had taken place since the discussion upon it last year. The noble Lord the Secretary of State for Foreign Affairs, in his very interesting statement, had congratulated the House and the country upon the results to which he had adverted in the course of it; and he was sure that no one in that House or in the country would refuse to reciprocate those congratulations with the noble Lord. Those results would never have occurred, however, unless the course that had been pursued, and which it was their duty to continue, had been supported by the naval force of England.

SIR EDWARD BUXTON could not deny himself the pleasure of joining in the congratulations which had been given that evening to the noble Lord the Foreign Secretary, not only for his very interesting statement, but equally for his persevering endeavours to reduce, and, he trusted, eventually to put an end to, the horrible abomination of the slave trade. The hon. Member for Montrose (Mr. Hume) had told them that all that had taken place might have happened long ago if the squadron had been removed from the coast of Africa; but it was very remarkable that the change in the feeling of Brazil on the subject had occurred when our cruisers were stimulated to renewed exertions. For his own part, he thought there was every reason to believe that that change had been produced principally, among other causes, by the conviction on the part of the Brazilians that the noble Lord at the head of the Government last year was determined that his Government should stand or fall by this question; and because his noble Friend and the noble Lord the Foreign Secretary had told to Brazil and to the world that the best endeavours of this great country should be used to put down this horrible traffic.

LORD JOHN RUSSELL wished to say one word in reference to what had fallen from the hon. Member for Montrose (Mr. Hume), who advised the House to consent to the withdrawal of the African squadron, and thought that thereby the slave trade would be more surely suppressed. He must ask the Committee to believe that if that step were taken, the efforts which had been hitherto so successful would probably fail of ultimate and complete success; and we should then behold the horrors of the slave trade spreading again. In saying this, he was giving not merely his own opinion, but that of the gallant Admiral (Admiral Fanshawe) lately returned from the African coast, whose opinion was, that if we continued that squadron a few years more, it might be greatly diminished, and the cost thereby reduced, but that it would not be safe to make any reduction at present. It was true, as was observed by the hon. Baronet opposite (Sir J. Pakington), that the slave trade to Cuba was showing systems of activity; but he thought that the Committee which had given its support to the efforts made by the Government for its suppression on the Brazilian and African coast, would continue that support, with a view to its suppression on that of Cuba. That being the only considerable branch of it remaining, it afforded the greatest encouragement to persevere, in the hope of putting an end entirely to that accursed traffic.

SIR GEORGE PECHELL was of opinion that, if the African squadron was not kept up in an efficient manner, we should not succeed in convincing France we were in earnest in our attempt to suppress the slave trade. It was owing to the power to take slave vessels from under the forts that we had brought the slave trade to its present mitigated form. If an efficient force were kept up, he was satisfied we should soon see the total annihilation of the slave trade. He thanked the noble Lord at the head of the Government for the constant support he had given to this question.

LORD HARRY VANE attributed, in a great degree, the suppression of the slave trade to the co-operation of the Brazils, rather than to the effects of the squadron. If we cultivated a good understanding with Brazil, we should be able to attain our object much earlier than by the adoption of the proposition for constructing new vessels. He was gratified at the good that had already been done; but he did not place entire reliance in the expectations entertained of suppressing the slave trade altogether, though certainly such a consummation would be most agreeable to him.

Vote *agreed to ;* as was also

(19.) 14,650*l*. Mixed Commissions.

On the Vote of 148,490*l*. for the Consular Establishments abroad,

MR. URQUHART moved that the Chairman report progress.

LORD JOHN RUSSELL hoped that the hon. Gentleman would allow the Committee to proceed with the Votes.

MR. URQUHART believed there was an old established rule that no estimates should be taken after twelve o'clock, and he should object to any further grants of money that night, not only for the purpose of maintaining that rule, but also because a few nights ago, just as the House was about to divide on a Motion of his, the hon. Member for Salford (Mr. Brotherton) moved the adjournment of the House.

MR. CORNEWALL LEWIS said, the matter to which the hon. Member for Stafford (Mr. Urquhart) alluded, had been explained twice if not thrice by the right hon. Home Secretary to the apparent satisfaction of the House.

MR. URQUHART said, the explanation had not satisfied him. The hon. Member for Salford (Mr. Brotherton), backed by the Treasury benches, in a most unfair way defeated his (Mr. Urquhart's) Motion.

MR. BROTHERTON said, the House, on the day in question, had sat twelve hours when he rose to move the adjournment, and they were to meet the following day at twelve o'clock. Mr. Speaker was not well; and as a relief to him and to the House, he thought he was justified in moving the adjournment of the House.

MR. HUME supported the Motion for reporting progress, because he thought that it was not right to vote away the public money after twelve o'clock at night, when many of the Members had retired from the House.

The CHANCELLOR OF THE EXCHEQUER hoped the hon. Gentleman would not press his Motion for adjournment. At the rate at which they were proceeding with the Estimates, they would not be able to finish their Parliamentary labour till the middle of August, whereas it had been intended that the Session should be brought to an end at the beginning of the second week in August at the farthest.

LORD JOHN RUSSELL said, he would not oppose adjournment if the House had been in Committee for several hours, but inasmuch as two or three hours had been taken up in the debate on going into Supply, he would oppose the Motion for reporting progress.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided:*—Ayes 26 ; Noes 107 : Majority 81.

The CHAIRMAN then put the question that the Vote be agreed to, when

MR. HUME again moved that the Chairman report progress, and obtain leave to sit again. The right hon. Gentleman the Chancellor of the Exchequer complained of the advanced period of the Session; but surely if the Government insisted on bringing in measures which a portion of the House opposed, and thus protracted the Session, that was no reason why he should neglect his duty when the time arrived.

LORD JOHN RUSSELL reluctantly yielded to the wish of the minority, but stated that the Session would be considerably delayed if the Committee were not allowed to sit after twelve o'clock.

The CHANCELLOR OF THE EXCHEQUER hoped that in future so much time would not be occupied in preliminary Motions.

MR. W. WILLIAMS said, the time allotted to independent Members was now very limited, and that, as only one Motion could be disposed of before going into Committee of Supply, some delay must necessarily take place before getting the Votes passed.

MR. REYNOLDS said, that the discussion on his Motion might have been prevented if the right hon. Gentleman the Chancellor of the Exchequer had given a reasonable answer to a reasonable request. He (Mr. Reynolds) would take the opportunity of saying that neither he nor the parties with whom he acted had desired to divide the House on his Motion; at a meeting held in the morning they had resolved not to divide, and he had expressed his desire to withdraw his Motion. The division was called by the hon. Member for Buckinghamshire (Mr. Disraeli). If they had determined to divide, the minority would have been double forty-three; indeed, the Government would have been closely pinched.

The CHANCELLOR OF THE EXCHEQUER said, he had not alluded to the debate on the Dublin charities. That was a pertinent Motion, but there were several Motions on the paper which were not.

MR. O'FLAHERTY said, he could confirm the statement of his hon. Friend (Mr. Reynolds), for he (Mr. O'Flaherty) had left the House early in the evening, not expecting a division on the Dublin charities; and nothing had surprised the Irish Members more than to find that in their absence an English Member had taken upon himself to divide the House.

MR. G. A. HAMILTON had certainly thought it unadvisable to take a division on the Motion of the hon. Member for the city of Dublin (Mr. Reynolds), as it omitted an important point.

House resumed.

Resolutions to be reported *To-morrow.*

The House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, July 15, 1851.

MINUTES.] *Took the Oaths.* — The Earl of Westmorland.

PUBLIC BILLS.—1ª Civil Bills, &c. (Ireland); Unlawful Oaths (Ireland); Turnpike Roads (Ireland); Private Lunatic Asylums (Ireland).

2ª Militia Ballots Suspension; Assessed Taxes Composition; Public Works, Fisheries, &c.

Reported. — Ecclesiastical Jurisdiction; Highway Rates; Loan Societies.

3ª Representative Peers for Scotland; Attornies and Solicitors Regulation Act Amendment.

SPEAKER OF THE HOUSE.

The LORD CHANCELLOR acquainted the House, that Her Majesty had appointed the Lord Redesdale Speaker of the House in the absence of the Lord Chancellor; and the Commission was read.

THE CAPE OF GOOD HOPE—REPRESENTATIVE INSTITUTIONS.

The Order of the Day read.

The EARL of DERBY said: My Lords, I received with very great regret an intimation that it is the intention of Her Majesty's Government to oppose the Motion which I now think it my duty to submit to your Lordships. I can assure the Government and the noble Earl opposite, at the head of the Colonial Department (Earl Grey), that, in bringing this subject under your Lordships' notice, I am actuated by no feelings towards them or him of public or personal hostility; that I have no disposition to increase the embarrassments in that department of the Government over which he presides, or in the colony itself; but that I bring forward this question with a sincere desire to mitigate and to relieve those embarrassments, and to offer every co-operation in my power, and to induce Parliament also to do the same, for the solution of those difficulties, which I believe no other authority than that of Parliament can solve, and for the purpose of restoring peace and tranquillity to that portion of Her Majesty's dominions in which it is not too much to say, that there is prevalent a considerable amount of discontent, not to say disaffection, aggravated by the continuance of a harassing, and I am afraid a protracted, war carried on by the savage tribes on the confines of the colony.

My Lords, it will not be necessary for me to lay before your Lordships reasons and grounds for the adoption of the course which I propose, because the strongest arguments in its favour will be found in the statements of facts which it will be my duty to lay before your Lordships, and which I will endeavour to bring under your notice as succinctly as I can, but which, from their complication and extent, will occupy, I fear, a considerable portion of time. There are many of your Lordships whose attention has not been directed particularly to the subject, and therefore I trust I shall be forgiven if I go into details which to those who have examined the subject may appear superfluous, but which are necessary for understanding the present position of the question, and the precise position in which the colony is now placed.

Your Lordships are aware that the colony of the Cape of Good Hope is one of those that are called "Crown colonies," which, having been originally acquired by conquest, are subject to the jurisdiction of the Crown, which has the right of framing or granting their constitution. But when I say this, I ought to qualify it by adding that the Crown possesses in those colonies the power of making a concession of a certain amount of political freedom and independence; but when that concession has once been made, the Crown has no power to retract the boon which has been granted; it has the power of extending, but it has not the power of withdrawing, the grant which it has in the first instance provided, and which becomes the inalienable right of the colony. The Government of the Cape of Good Hope was formerly carried on by the single authority of the Governor; he was afterwards assisted by a council of advisers, subsequently called an Executive Council, whose assistance he was entitled to ask, and who were authorised to give him advice, but by which advice it was not imperative upon the Governor that he should be guided. Subsequently a legislative authority was given to this Council of advice, which then became the Legislative Council. Into this Legislative Council was then infused the first germ of, I will not say popular institutions, but the first germ of freedom from the control of the Government, by the infusion of persons not holding office under the Government. It is true, indeed, that this step was one of very small extension, because the persons who were then admitted, although they did not hold office under the Crown, yet were exclusively the nominees of the Governor, who had the power of choosing those who should be admitted into that assembly. The colony had no choice in the matter; and even although, as sometimes happened, those persons should exhibit a spirit of independence towards the authority which created them, yet, as they formed a minority of the whole Council, and the official servants formed the majority, the whole united force of those persons would be overborne by the compact body of the majority holding office under the Governor and the nominees of the Crown. This was the state of things, I believe, in the year 1834; and it is necessary for me, in introducing this question, to go back to the year 1842, when I had the honour of holding the seals of the Colonial department now held by the noble Earl opposite, and when a petition was addressed to me from the colony, praying for representative institutions. That petition prayed for the assimilation of the constitution of the colony to the constitution of the mother country, and—as they conceived—in the spirit of that assimilation, they prayed that the Government might be composed of a Governor appointed by the Crown, an Executive Council to advise the Governor, and a Legislative Assembly composed of representatives freely elected by the people. They also prayed that this petition might be referred for the consideration of Her Majesty's Privy Council. I mention this part of the petition, because it is the subject of, I am sure, an unintentional misrepresentation of my views and objects by Her Majesty's Government, founded on a misapprehension which I can hardly conceive how it should have been fallen into by a person so well acquainted with the subject as the noble Earl opposite. In my answer to that petition, I began by pointing out that that which the petitioners asked for was by no means an assimilation to the British constitution — that a Legislative Assembly exclusively composed of persons elected by the people, and having no check in any other deliberative body, was as wide a departure in point of principle as it was possible to conceive, not only from the constitution of this country, but from that which had been granted to any one of our colonial dependencies. I then adverted to the difficulties which I thought had not sufficiently attracted the notice of the people of the Cape of Good Hope—difficulties which, though it was necessary to surmount, yet could not be removed without considering as well the obstacles which presented themselves in the way of the proposed arrangement, as also the means of overcoming them. The principal difficulties which occurred to me as standing in the way of the admission of a representative constitution into that colony were, first of all, the great extent and the extreme distance of a large portion of the colony from the seat of government at Cape Town; added to this, that the means of communication within the colony were exceedingly imperfect, that the population was very large and scattered, and that the means of communicating with their representatives were such as to render it almost impossible; that with regard to the distant portions of the colony, the occupations of the inhabitants and their distance from the seat of government would make it almost impossible to find persons who should be able to bear the expense of periodical journeys to the capital; that in cases of extreme emergency, those persons who served as representatives might be called upon to be present at the seat of government, when their presence might be equally necessary for the protection of their families and property at a distance so great as to involve a journey of many weeks. In addition to these considerations, I referred to another, arising out of the difference of race and origin of the inhabitants of the colony. Not to mention a large number of native inhabitants, of Hottentots and Fingoes, and the lately emancipated negroes who were set free in 1842, there were two European populations in the Cape of Good Hope—one a British population, which certainly formed a small minority in point of numbers, but, in point of intelligence, influence, and perhaps of wealth, superior to the Dutch population. This part of the population, in great measure, resided at Cape Town, and in the extreme districts of the eastern portion of the colony. The remainder of the population, consisting chiefly of persons of Dutch origin, formed a numerical and considerable majority, but their habits and feelings were, in many respects, essentially different from those of the English portion of the population. They had felt very acutely the alteration that had been made by the abolition of slavery in the colony, and they were exceedingly desirous to restore the state of things which should place the newly emancipated portion of the population again under the control of their former masters. I speak now of the state of things in 1842. I concluded my despatch by saying:—

"I have entered thus at length into this subject from a deep sense of its importance, and because I have been unwilling to dismiss with a slight or cursory notice a petition bearing such signatures as those before me, and supported by your recommendation. Nor indeed do I wish to be understood as meeting that petition by any irrevocable and fixed opinion against the prayer of it. I limit myself at present to the conclusion, that the proposal is open to many difficulties to which your despatch does not refer, and that the scheme is presented in a form too incomplete to enable the confidential advisers of the Crown to advise Her Majesty as to the acceptance or rejection of it. If, after weighing the remarks which I have made, you should think it desirable to prolong this correspondence, I shall be ready to resume it, on being apprised by you in what manner you would propose to obviate the objections which I have indicated, and to meet in detail the many difficulties which will, I am sure, present themselves to your own mind in the endeavour to give practical effect to the views entertained by the petitioners, and sanctioned by your approbation of the general principles."

My Lords, I hope that that extract will be sufficient to satisfy your Lordships that though I could not agree that that form of representative government which the colonists asked for, judging from the analogy of the British constitution, could be adopted in the Cape of Good Hope, yet that my difficulty with regard to the principle was this, that before binding Her Majesty to a distinct principle, I thought it more prudent to consider both the obstacles that stood in the way of carrying out a representative constitution in this instance, and also the means of vanquishing those obstacles, before giving a decided and irrevocable assent to the demand that was made. That was in April, 1842. From that period no reply was made to the difficulties which I then stated, until an answer was specifically and directly called for by the noble Earl opposite, upon his accession to office in the year 1846. In the autumn of that year, the noble Earl, addressing Sir Henry Pottinger, stated that no answer had been given to this despatch of mine. He said that Her Majesty's Government entertained the strongest prepossessions in favour of the representative form of government in the Colonies, and he went on to say—

"I for the present confine myself to the statement that, on a question of this nature, some difficulties may be wisely encountered, and some apparent risks well incurred, in reliance on the resources which every civilised society, especially every society of British birth or origin, will always discover within themselves for obviating the dangers incident to measures resting on any broad and solid principle of truth and justice. On such a basis, as I am convinced, rests the policy of intrusting the remote dependencies of a metropolitan State with the largest powers of self-go-

> vernment, in whatever relates to their internal and local affairs. I should, therefore, not be unwilling or afraid to act on that policy, even though I could not distinctly perceive how some conflicting interests could be adjusted under it, or how perfect arrangements could be made for the prevention of injustice to some members or classes of the colonial society."

Now, I am not presuming to say whether the course taken by the noble Earl was more wise and prudent than that which I pursued. I confine myself to observing that after that declaration on the part of the Secretary of State for the Colonies, officially communicated to the colony— [Earl GREY: No, not officially.]—Yes. Because if the noble Earl wrote to the Governor of the colony—if he desired that an answer might be sent to my observations—if he said that the Government entertained the strongest feeling of prepossession in favour of that form of colonial government—and if he stated that he relied on the assistance of the Governor for the removal of the difficulties and inconveniences which stood in the way of the adoption of that form of government—then I can hardly conceive any more authoritative way in which the intentions and views of Her Majesty's Ministers could be communicated to the colony. What was the Governor to do? Why, he was to call upon the different members of the Colonial Government, and the persons in office, to send in their answer to the difficulties which I stated, for the purpose of enabling the Colonial Secretary to introduce a system of colonial policy to which he was favourable. This despatch was sent out at the close of 1846; and at the commencement of 1848 Sir Harry Smith, who had succeeded to Sir Henry Pottinger as Governor of the colony, answered the despatch by forwarding the views which were entertained by the colonial officers on the subject. In a subsequent despatch, written in February, 1849, the noble noble Earl states—but, perhaps, my Lords, it is better not to interrupt the course of the narrative which I am giving, and that I should state regularly the course of proceeding on this matter. Upon receiving this intimation — and when the people of the colony of the Cape of Good Hope received this despatch, other circumstances had intervened of a very important and unusual character, which increased the difficulties under which that office which the noble Earl filled was placed, Sir Harry Smith; who had succeeded Sir Henry Pottinger as Governor of the colony, answered that despatch. The course which the Governor pursued, was to lay that despatch before Mr. Porter, the Attorney General, a gentleman in whose praise it is impossible to say too much, and asked him in what manner representative government might be best introduced into the Cape colony. The Governor also consulted Mr. Montagu, the Government Secretary, the Colonial Treasurer, the Chief Justice, and the Collector of Customs, and the two Puisne Judges. Now, I will say that a better course could not have been taken than that which was adopted by Sir H. Smith. I do not wish to state anything in the way of invidious comparison, but I may say that of those gentlemen whose opinions were consulted, there are two—Mr. Porter, the Attorney General, and Mr. Montagu, the Government Secretary—who, in point of ability, intelligence, and industry, are equal to any one amongst those whom I have now the honour to address. And what were the views of these able men, and of the Executive Council? The question as to whether a representative government should be introduced into the Cape colony was hardly taken into consideration. Mr. Porter says—"I should assume that, after weighing the reasons for a representative assembly, and the reasons against it, his Excellency considers the former the most powerful." Mr. Montagu says—"It appears to me that I shall best serve his Excellency by abstaining from all theoretic or abstract discussion on general principles of the good or evil likely to result from the establishment of a representative form of government in this or any other dependency." Another gentleman says—"It appears on the perusal of the documents transmitted to me, that the period is arrived at which a representative form of government can be safely sent to the colony at the Cape." And another gentleman remarks—"I cannot help regarding the proposed measure as a bold experiment. I do not, however, see how it can, under existing circumstances, be very well made." These able and intelligent advisers of the Crown were not required so much to give their opinion as to whether the colony was fit for representative institutions, but, assuming the necessity of affording representative institutions, what was the safest and most practical plan of introducing this new form of government. And I must say that, with regard to those two able gentlemen to whom I have referred, they entertain very serious misgivings, and do not consider the question as lightly to be dealt with. Mr. Porter, a man of extremely liberal opinions, and the advocate for free institutions, closes his memorandum thus:—

> "I have ventured to term a representative assembly at the Cape 'an experiment;' his Excellency, who knows the colony and the people well, will not, I think, consider the term misapplied. It is an experiment, and one which none but a very silly or a very sanguine man can contemplate without anxiety. It will be a trial in the settlement to ascertain how much of colonial self-government is compatible with a state of colonial dependence. And if even ordinary spectators must look on with some distrust whilst such a trial is being made, how much greater must be the misgivings of those who, as officers of the Executive, foresee no small embarrassment as the possible result of their new position between two different, and, it may be, conflicting authorities—Her Majesty's Government in England, and the House of Assembly at the Cape?"

Mr. Montagu, in whose praise I am happy to find the noble Earl concurs, concludes his memorandum with this expression:—

> "In concluding this memorandum, I cannot refrain from expressing my doubts as to the likelihood of eliciting good government for some time, at least, from the exercise of representative institutions. To a greatly preponderating majority of the colonial population, such institutions are entirely unknown, and probably will be regarded an innovation. Like the jury system, it will, if efficiently worked, impose on many, from the character of the country and scattered state of its rural population, duties which cannot fail to be attended with considerable personal sacrifice and inconvenience, and from which, until better able to estimate its value and advantages, they may seek to be relieved, as in the case of jury service. Moreover, I cannot conceal from myself the fact, that few communities, from the isolated condition, the habits, and employments of a large amount of its members, are less qualified to act beneficially upon the Government and Legislature by the influence of an enlightened public opinion."

These gentlemen, therefore, express doubts as to the probable success of the experiment they were called on to undertake, and they applied their minds with all the vigour and ability they possess, to the finding out of a mode in which the difficulties might be mitigated, and in which the experiment might be conducted with the least amount of danger. In the first place, the able memorandum of Mr. Montagu, the Government Secretary, combating in various points the obstacles and difficulties I had suggested, and stating in his opinion the weight of some of them had diminished from the lapse of time, says that the improvement in the internal communications of the colony had diminished some of the difficulties which existed four or five years before; that there had been municipal institutions introduced into the Cape, which had not been used for the oppression of the native races; that, as between the English and the Dutch portion of the population, he was not aware of any important subject of difference, except the law of inheritance in succession, which was prized by the Dutch, whilst the English population were opposed to it; but, on the whole, he thought the advantages of the trial sufficient to counterbalance the difficulties, and he recommended the adoption of a system of representative government. It was then necessary to consider in what manner the system of representative government should be introduced; and the members of the Council, while unanimous that there should be one legislature for the whole of that extensive colony, and that the sitting of the legislature should be held at Cape Town, with one exception they were also unanimous that the legislature should consist of two houses, and not of one—of a House of Assembly and a Legislative Council. The single exception was one of the Judges, who suggested that the principle acted on in New South Wales should be adopted, and that in the first instance an elective body should be infused into the Legislative Council; he doubting whether the Cape was able to furnish a sufficiently numerous body for a Legislative Council, and also for a House of Assembly. The other councillors, however, were all in favour of two houses, and with the exception of one—and I beg your Lordships' attention to this—they were unanimous that the Legislative Council should not be an elective body, but that it should be nominated by the Crown, and composed of a mixture of official and non-official persons; and the great majority recommended that the tenure of that office should be for life. There was one exception, the Chief Justice, who recommended that the elective principle should be partially introduced even in the Legislative Council; and with regard to the period of duration, one of the Judges was of opinion that the tenure should not be for life, but during pleasure. I will not trouble your Lordships with the other important matters, which were very carefully considered, and on which a report was made and embodied in a draft ordinance, which was sent home to the noble Earl, in which these views of the advisers of the Crown were carried out. My Lords, having received that despatch, the noble Earl expressed himself upon one important point to the following effect:—

> "I am of opinion that the views of yourself and the majority of your advisers, as to the form of the constitution to be established, namely, a Representative Assembly and Legislative Council appointed by the Crown, should, in the main, be adopted; but many of the details of the plan submitted in these papers may probably require modification."

The noble Earl on that occasion did not take upon himself that responsibility which I think properly belongs to his office as Secretary of State and adviser of the Crown; nor did he proceed on the joint responsibility which attaches to the Cabinet; but he referred this recommendation to, no doubt, a very learned and very able and competent body, but at the same time a body possessed of no character to which responsibility attaches, and who, so far as names go, are at this moment an anonymous body. The petitioners in 1842 had requested I would lay before the Privy Council, and refer to them a petition upon which I conceived it was my duty as Secretary of State to advise Her Majesty, and not delegate to anybody the authority which belonged to my office. The noble Earl, in commenting on the course I pursued—and your Lordships will recollect the observations with which I concluded my despatch—observed:—

> "In 1841 your predecessor, Sir George Napier, transmitted a petition from the inhabitants of Cape Town to the Queen in Council, praying for the establishment of an Elective Assembly and Council. The form of government thus proposed appeared to Lord Stanley, who was then Secretary of State, altogether at variance with the ordinary legislative system of British possessions, and he consequently declined advising Her Majesty to refer the petition to the Privy Council."

Any one would infer that my objection to refer the petition to the Privy Council arose out of the nature of the petition, and the institutions which it proposed to introduce; and if the noble Earl had copied accurately the terms I used, he would not have fallen into the misapprehension into which he did fall. My words were these:—

> "I have not thought it my duty to advise the Queen to refer to the Privy Council the petition addressed to Her Majesty in Council, as I am aware of no reason why any such departure should be made, in the present case, from the established system on which the executive government of this kingdom and of the British colonies is administered."

I said I saw no reason for departing from the ordinary course of the administration of the Government, nor why, when a question rested on the responsibility of the Secretary of State, he should transfer his responsibility to the Committee of Privy Council. The noble Earl altered the words "executive government of this kingdom" into the words "legislative system of British possessions," and thereby perverted the whole sense and meaning, and scope, and tendency of my words. I am willing to believe that the noble Earl did so unconsciously; but, at the same time, I confess I cannot understand how a person of so much acuteness as the noble Earl could have fallen into so great an inaccuracy. The noble Earl then, unfortunately, I think, took the course which I had refused to take in 1842. He referred this measure to the Committee of Privy Council, who were to take into consideration the views and recommendations of the advisers of the Crown in the colony. I will not trouble your Lordships by going through any of the recommendations or opinions of the Committee of Privy Council; but in one respect they introduced at once, and upon their sole responsibility, if any responsibility there be, a recommendation of a character not only wholly novel, but which had never been contemplated by any one of the able men at the Cape, who, looking at the difficulties they had to surmount, had recommended a particular course of proceeding. They recommended, not that the Legislative Council ought to be nominated by the Crown, but they recommended instead a Legislative Council into which the system of election was not only to enter, but which ought to be exclusively of an elective character, to carry out which they proposed a totally novel scheme by which the votes of the inhabitants might be taken. If this had been sent out to the colony, and the opinions of the colonists had been taken on the merits of this system, something might have been said in favour of it; at all events, they would have ascertained whether the opinion of the Privy Council outweighed the opinions of the noble Earl, and the authority moreover of every individual adviser of the Governor at the Cape, and of the Governor himself. But the noble Earl transmits his opinion in favour of one system—a document which had the force of law, being sent under the authority which on the part of the Crown he exercised; and that legal document authorised the establishment of a Legislative Council and a

House of Assembly, which Legislative Council and House of Assembly were to be both elective. The point was not left in doubt, or to the deliberate consideration of the colony, but the Crown legislated so as to make both the Legislative Council and the House of Assembly necessarily elective, with the exception of introducing the Chief Justice as one of the Legislative Council, and constituting him the President of that Council; and then directing that the existing Council should be called together to fill up the details which it was necessary to fill up, but subject to the restrictions introduced into the Act of Legislature. He then proceeded as follows:—

> "The various details of the machinery of the elections, the definition of the franchise of the electors, both for the Assembly and the Legislative Council, and many other particulars which will readily occur to you, are all subjects on which the necessary provisions will be made by ordinance, and not by letters-patent, and as to which, therefore, you may, with a view to expenditure, prepare at once the matter to be embodied in the ordinance, without waiting for the arrival of the letters-patent themselves, though, of course, until they reach you the subject cannot be brought under the consideration of the Legislative Council."

When the document arrived at the colony it took not only all the advisers of the Crown, but the whole colony, by surprise. It was the introduction of a wholly new system, by persons who had no local acquaintance with the circumstances of the colony, and directly in opposition to the views of those who had the most extensive views and the largest amount of local information. Additional difficulties were in the way at the time the document reached the Cape. It was forwarded on the 29th of May, 1850. Letters-patent were sent out with it. When they arrived, the colony was in a strange position. It may be, and it is quite true, that the Legislative Council, as formerly constituted, had for some time been losing ground in popular esteem at the Cape; I do not hesitate to say that in 1846 I think the time had arrived when something of the elective system in some shape or other ought to have been introduced into the constitution of the colony, and it was no longer right that its affairs should be administered by an exclusively dominant body, the majority consisting of the advisers of the Crown. But when the document arrived at the Cape, a strange state of things prevailed. Between 1848 and 1849 had occurred that lamentable state of things on which I will not enlarge on the present occasion, because I am unwilling to say anything likely to give unnecessary offence—I mean that which arose out of the anti-convict agitation in the colony. No man can condemn more strongly than I do the violent measures resorted to by those persons who resisted its introduction. I think the violence of their measures deprived them of the support and countenance of many here who felt that they had a just and legitimate ground of complaint, and who, had the complaints been more temperately urged, would have been willing not only to lend a ready ear, but to press on the Government the justice and righteousness of their complaints. But I do feel that upon that occasion a great error was committed—a great and grave error—namely, that when expectations had been held out, if pledges had not actually been given, that convicts should not be again sent to the colony unless their presence were demanded as a boon by the colony — and, properly administered, a boon they might have been—but pending the decision of the colony—nay, in the teeth of the declaration of the public bodies in the colony—without waiting for the result of their deliberations, convicts were sent out and pressed with extreme pertinacity on a reluctant colony, in which every man was bent on resisting their introduction. I think there is no error which can be committed more grave than to hold out, under the high name and authority of the Crown, expectations, and, far more, any pledges of boons to be granted, or privileges to be conferred on our colonial possessions, and then to recede from the entire and complete accomplishment of the letter and spirit of every such pledge. But the error met with a grievous punishment, which will fall upon the Cape colony and the other possessions of the Crown, and the authority of the Crown, for many a long year to come. A spirit of resistance and defiance was evoked, and in a good cause, although it was carried to an indefensible extreme; but a resistance was evoked in a just cause, and carried to such an extent, that, after an unavailing resistance, the authority of the Crown was successfully defied and resisted — the authority of the Crown was lowered in the colony — and not petitions, not memorials, but menaces, threats, acts of absolute violence, acts almost of hostility, were carried to such an extent, that to them the Government on the spot and the Government at home were compelled absolutely and entirely to succumb. My Lords, to such an extent had that been carried, that by violence, as is stated by Sir H. Smith in a recent despatch, the Legislative Council was virtually dissolved. In the commencement of 1849 the anti-convict agitation was carried to such an extent as to deter any persons from assenting to take office in the Legislative Council on the part of the Crown, and those who had assented to take that office were not only menaced and threatened, but absolutely encountered positive violence, and injury to their persons and property, the consequence of which was, that by an act of violence on the part of the colonists, provoked by an act of injustice on the part of the Government, the Legislative Council of the colony was dissolved. The anti-convict agitation speedily led, as it was sure to do, to a political organisation and to other views, by the forming of a party maintaining their influence by this hold on the popular feeling. Therefore, when the despatch came out, calling upon the Governor to refer this new constitution to the Legislative Council as then constituted, the Governor was under the necessity of saying that in consequence of the anti-convict agitation he had no Council to which he could so refer it—that for the space of a year and more there had been no legislature in the colony. Every advance of public money had been illegally made—every expenditure was without a shadow of public authority — every step taken by the Governor was null and void, and it was only absolute necessity that compelled him to act despotically, because there was no legislature with whom he could consult. My Lords, what course then did the Governor take? I think he took a very wise and judicious course. He found that to fill up the Legislative Council with men, the mere nominees of the Crown, was a perfect impossibility, or at all events, that if he so filled it up, they must have been taken exclusively from one portion of the population; and at once one of those elements of discord which I foresaw in 1842, would have come, and has come into operation, namely, increased alienation and jealousy between the inhabitants of English and Dutch origin—between the inhabitants of the Cape district on the one side, and of the eastern frontier on the other. What, then, did the Governor do? Upon receiving his instructions it was necessary that he should re-form his Council. He found that the Committee of Privy Council had reported in favour of a particular constituent body, which should elect the future representatives in a new Parliament. To that body, consisting of the municipality, and, in the country district, of the road-boards, he appealed, in order to ascertain who, in the opinion of the colonists, were the most desirable persons to form a portion of his Council. I must call your Lordships' attention to the terms in which the Governor announces his intention. The Governor's notice was to the following effect:—

> "The commissioners and wardmasters of each municipality, acting jointly, and the members of each divisional road-board, are requested, after ascertaining as well as possible the views of the householders and ratepayers respectively, to select and transmit to the Secretary to Government, with the least possible delay, the names of whatever number of colonists, not exceeding five, such body of commissioners and wardmasters and such divisional road-board shall respectively propose to have appointed to fill the existing vacancies in the Legislative Council. From the names to be thus submitted to his Excellency he will be prepared to fill up the vacancies in question in such a manner as shall seem most calculated to secure the appointment of the five gentlemen willing to serve who shall appear best entitled to the confidence of the several classes and districts composing the entire colony."

The result of the application was that no very large proportion of the inhabitants or ratepayers actually tendered their suffrages. I find there were in the municipality 4,560 ratepayers, and out of these 1,298 alone took the trouble of recording their votes in favour of the candidates. The course pursued by the Governor was that he did not select the five names with the largest number of votes, but the five names returned by the greatest number of the municipal bodies. But from that principle in one instance the Governor departed; and for that departure he met with very severe censure and reprehension on the part of the other four gentlemen, who in subsequent proceedings acted as a single body, and who had been the most active members of the anti-convict agitation. The reason the Governor departed from that principle in this instance was this:—Four had been returned by a considerable majority of the representative bodies. Between the other candidates there were some few votes, but none had more than seven. On looking at the names returned, it struck the Governor that three out of the five, at least, were from the division of Cape Town, and that only one, or at the most two, was from the eastern division of the country; and, that if he had adopted the names highest on the list, there would have been, inasmuch as all the official members were from Cape Town, as representatives of the English population from the eastern districts, two only out of a Council of eleven; and one of them, Sir Andrew Stockenstrom, did not represent the feelings of the English population, but the views of parties in Cape Town. It appeared, also, that the returns had been obtained by the instrumentality of circulars from Cape Town, and that all the five representatives had been returned by the local influence of Cape Town itself, and it was only by accident that, one of the persons nominated having declined, no orders were given as to how the vacancy should be filled up, and considerable diversity of opinions prevailed. Here was another of the differences which I had foreseen in 1842—the predominating and paramount influence of that numerous and, perhaps, more wealthy body who, from being resident at the seat of Government itself, were able to exercise a very powerful influence over the legislature. And not only that, but it is admitted by Mr. Porter, that under any system of election, even with the improved communication now in the colony, it will not be easy to find persons from the country districts willing to undertake the labour and expense of attendance at Cape Town, but that those distant districts will be compelled to elect as representatives persons not residing in the districts but in Cape Town itself. The Governor, however, in pursuance of the pledge he had given, and adopting what he thought the best course, selected from the lists the four gentlemen who stood the highest, and he added another gentleman of great respectability connected with the eastern district to give a more fair share of the representation to that population. From that time there was an organised opposition on his new appointments; and these four gentlemen acted together, consulted together, divided together on every occasion, and acted as an organised opposition in the newly-constituted Government; and I must say that I concur in the view of the noble Earl as to the mistaken opinion these gentlemen have formed of their duties. One of the subjects to which the attention of the Council was directed, was the framing of an ordinance to be submitted to the Crown. But that was by no means the single purpose of the Council. It was intended that the Council should carry on the ordinary necessary business of the colony, and that the expenditure should be sanctioned by a regularly constituted and legally authorised body. But these gentlemen thought fit not to consider themselves in the light of ordinary representatives sitting by virtue of a precept from the Governor, although they had acknowledged his precept, and not as the representatives of the electors, such electors not having been constituted electors by any law whatever, and not having the power to give a single vote. But these gentlemen looked upon themselves, in short, as having been elected not as a representative but as a constituent body, brought together for the purpose of framing a constitution for the colony, and for nothing more. The Council met about the 6th of September, and continued sitting during the greater portion of the month, and they made some progress in their arrangements with regard to the new constitution. There were several points on which they were unanimous. There were some which were carried by a majority. But with regard to the number of electors, with regard to the qualification, with regard to there being two Houses, with regard to the seat of Government being at Cape Town, with regard to the payment of members, with regard to the exclusion from either legislative body of all officers connected with the Government and in the pay of the Government — of which I doubt the wisdom—with regard to many of these, there was a perfect unanimity. The question which ultimately led to the crisis was the defeat of these four gentlemen by the official members and by the non-official members from the east district, on some very important matters, namely, whether the qualification for a member of the Legislative Council should be the same as that for a member of the House of Assembly: whether the two Houses should be elected for the same period; and whether the Upper House should be elected by the entire colony as one constituency. Now this is a question of very great importance. Let the Legislative Council be elected or let it be nominated, if it be intended to be in any degree a check and control on the deliberation or want of deliberations of the House of Assembly, it can be no such check and no such control if the qualification of the electors and the elected be the same, if the duration of the session be the same, and if the period of their election and the nature of the electors be precisely the same. They will be returned by the same body, will be under the same influence, and will be a mere repetition of the House of Assembly, and can exercise no real control. Being defeated on these questions, those gentlemen introduced a measure declaratory of their intention to take no further steps, and to legislate upon no question except for the establishment of a new constitution. They had therefore left the whole business of the colony precisely in the state in which it was before their election, although in consequence of the ordinance it was proposed to pass, and which required the approval of the Crown, a long period must elapse before any legislative body could be constituted in the Cape. The Governor was in a serious embarrassment in consequence of this state of things, and he took the course which had been condemned by the noble Earl, but which I think he was warranted in taking. He had no Legislative Council legally constituted, and for this reason, that by the letters patent constituting that Council, it was required to consist of not less than ten, and not more than twelve members, of whom six, including the Governor, should be official. By the resignation of four out of the six official members, the Council was reduced to eight, including the Governor, and consequently was not a legally constituted body, and had no power to act. But the Governor, seeing what progress had been made, thought it right to ask the remaining members, official and non-official, for their sanction to the formation of an ordinance in such manner as if they had the power of legislation they would be willing to adopt. The Council proceeded to execute their duty, and they transmitted through Mr. Porter, the Attorney General, the draft of an ordinance, which, if passed by the Crown, would have put an end to all confusion and difficulty in the colony. I do not mean to say that that draft ordinance is perfect, and that it might not be amended; but it is a basis for legislation laid by those who are best acquainted with the affairs of the colony. But I am bound to say that after the proceedings which have taken place, the difficulties of introducing representative institutions were greater than had been anticipated. In the first place, the overwhelming influence of Cape Town over the whole of the colony was manifestly and distinctly proved by the result. In the next place, this question of representative institutions has evoked, most unhappily, a desire for a separation between the eastern portion of the colony and the western, upon the express ground that the eastern, consisting of a large majority of the British, would be overborne by the preponderating influence of the Dutch in the Cape district—thus introducing practically at the very outset another of the difficulties which, in 1842, I pointed out. Then, again, the Governor says—

> "That he could not refrain expressing his opinion that when the proposals of the inhabitants, especially of the farmers, were considered, it was likely that, under a legislature purely elective, the coloured classes—being in all three-fifths of the population of the colony—would, by means of compulsory contracts for lengthened periods and vagrant laws, with severe punishments and penalties, be reduced to a state of virtual slavery."

The Secretary of the Colony, who stated, in 1848, that with the exception of the law relating to inheritance by succession, there was no point on which the Dutch and English differed, goes on to state that, in 1851, the circumstances before adverted to have made these remarks, which were applicable in 1848, directly the reverse in 1851. The Secretary to the Governor further said, he was convinced sound policy required that due caution should be observed to interpose such a check as might afford opportunity for full consideration to the British Government, and proper protection to a British colony. Here, therefore, were all the difficulties which I predicted brought to bear before the new legislature was constituted, in the very appointment and first movements of the meeting convened for the purpose of establishing that legislature. Under these circumstances, the Governor expressed his opinion that, if possible, a nominative Legislative Council should be established, and not an elective one; and the Secretary to the Governor concurred in that view. The Attorney General stated an opinion, in which I confess I cannot but concur, that though it would have been desirable in the first instance to establish a nominative Council, yet, after the expectations that had been held out, and the *quasi* promise given, it will be hardly safe to recede, and that the question of a Legislative Council, principally elective, must still continue to be considered, at whatever risks. My Lords, I say that there is no risk equal to the danger of violating a pledge given, or expectation held out to the colony. The noble Earl (Earl Grey) strongly disapproved of the course pursued by the Governor on this occasion. He said—

> "With regard to the course taken by yourself in consequence of the difficulty in which you were placed by the resignation of the four Members who retired from the Legislative Council, I cannot convey to you the final judgment of Her Majesty's Government in the absence of the fuller information which I am led to expect; but I must not conceal from you that I am altogether unable to understand, from that which has already reached me, your reasons for having considered it necessary to interrupt the sittings of the Legislative Council on account of the resignation of four of its members. What was the obstacle to your making new appointments, or proceeding with the remaining Members to consider and to pass the ordinance for completing the constitution—though it seems to have been considered insurmountable by your Executive Council as well as by yourself—I am entirely at a loss to conjecture."

The answer of the Governor was conclusive to the rebuke thus administered by the noble Earl. The Governor said the Secretary of State might be "at a loss to conceive" why he could not proceed; but the plain fact was, that he had no legal body—no Legislative Council in existence—for that, by the terms of the letters patent, the Legislative Council must consist of not less than ten or more than twelve Members, of whom not more than six should be official, and that the Secretary of State had fallen into the error of confounding the numbers sufficient for a quorum with the numbers requisite to constitute the legislative body; and with regard to the suggestion, that he might have filled up the vacancies by new nominations, the Governor added that he "could not find the means at that time of making up the Council, unless he filled it up from one portion of the community alone, thus tending to excite the apprehensions of those who hoped to see surmounted the apprehensions formerly entertained by Lord Stanley," as to dissensions between the English and Dutch colonists—differences which, of late, have very formidably increased. The advice of the Governor was, that if possible the principle of nomination should be adhered to; but that, if it were not possible, then as to filling up the present Council new nominations should be avoided. The Governor said—

> "I could obtain Members only from the English community, and only two unofficial; and to resort to the English would be to aggravate the dissensions between them and the Dutch colonists. But I cannot help thinking that, with the information before your Lordships, it would be practicable and preferable to provide for the introduction of representative institutions by an instrument to be issued in England."

There certainly is one error which the Governor fell into, or at least he omitted to think of one mode by which he could have obviated the difficulty—by refusing to accept the proffered resignations of the Members of the Legislative Council. [Earl GREY: Hear, hear!] Yes. The noble Earl cheers me. But that was not what the noble Earl found fault with the Governor about. The noble Earl found fault with the Governor for not making new nominations, or not going on with the old Members. But the suggestion as to not accepting the resignations of the Members of the Council who tendered them does not seem at all to have occurred to the noble Earl, and certainly is not to be traced in any of his communications. Upon the noble Earl receiving this answer of the Governor, he said—

> "I cannot alter my views as to the course of proceeding. I am satisfied that you could have gone on with the present Council. It may be true that these resignations having been accepted, may have augmented the difficulty much. I recommend that you shall still go on with a diminished Council, and proceed to frame a new legislature, and in the meantime perform the functions of the Legislature. For that purpose, and as there may, perhaps, be some doubt as to the legality of your present proceedings, I transmit fresh instructions, authorising you to continue with six official members, accompanied by two unofficial members."

Now the legal question I am incompetent to argue; but I beg to direct your Lordships' attention to the noble Earl's language, which is really amusing:—

> "Instead of obtaining an opinion from the law officers of the Crown, I have advised the Crown to issue fresh instructions declaratory of the meaning of those which accompanied your commission."

And these fresh instructions declare that though the original instructions bear upon the face of them that the Legislative Council shall consist of not less than ten, nor more than twelve members, of whom not more than six shall be official, the meaning is that the Governor shall carry on the government of the colony with any number of persons not exceeding six, and all of them official. And then, as if to show the power of contradiction, the noble Earl says that "when the time arrived for taking into consideration the constitutional ordinances, it was provided by the instructions that the Council should be reconstituted on its former basis." Why, if the meaning of the original instructions was that there should be a Council of six members (though they said expressly from ten to twelve), what can be the meaning of "reconstituting it on its former basis" when the time shall come for reconsidering the constitutional government? The noble Earl continues thus:—

> "This is necessary in a legal point of view; for the letters patent expressly entrusted the task of forming new ordinances to the present Council, and the Council would not in a strict legal signification, certainly not in common intendment, satisfy these words."

With respect, however, to the details of the question, I will refer to one point at least, just to show the pertinacity with which the noble Earl adhered to his own views in defiance of all admonition or experience. That the Chief Justice should be President of the Legislative Council was included in the letters patent—consequently it was not in the power of the Legislative Council to deal with the question, and they were compelled to enact it. But the whole of those who sat upon the Council signed a petition to the Crown, praying that the Crown would rescind that portion of the Royal instructions, inasmuch as they were unanimously of opinion that it was inconsistent with the functions of the Chief Justice that he should preside in the Legislative Council, and thus be brought into the political differences that might arise. They therefore prayed that this part of the patent might be repealed. "No," said the noble Earl, "it is awkward to make frequent alterations in such a document." My Lords, I concur in that opinion; but my inference from it is, that such instruments when first issued should be carefully considered, with a view to their being as much as possible irrevocable. The noble Earl only said, however, that he had "no reason for apprehending that the Chief Justice would not preserve a dignified neutrality with regard to party politics, and considered it essential that, in the first instance, the authority of the Crown should be maintained, by carrying into effect the grant of representative institutions in the manner which Her Majesty had prescribed.

I will trouble your Lordships with one word more as to the mode in which the noble Earl thought he had got out of his difficulty, by declaratory instructions, declaring the meaning of the former instructions, and declaring that ten meant six. Unfortunately for the value of these instructions, I hold in my hand a legal opinion, signed by names of no mean authority with your Lordships—Sir Fitzroy Kelly, Mr. Spencer Walpole, and Mr. Kenyon—to the effect that the instructions by which the noble Earl thought to mend the flaw in the former instructions, are in themselves illegal, and in excess beyond the power possessed by the Crown: that, the Crown having granted to the colony a constitution, in which there shall be at least four official and six unofficial members, it cannot be restricted and restrained by the same authority of the Crown in such a manner as to exclude from the Council all those persons but absolute nominees holding office under the Crown. My Lords, I have no power to argue the legal question, but I state this upon legal authority; and high as may be that authority on which it has been maintained out of this House, it is supported upon still higher authority in this House. Upon a question of this kind, however, in which the passions of the colonists are excited, and there is discontent from one end of the colony to the other, it is enough to say that doubt can be cast upon the legality of the proceedings—doubt upon the legality of the body entrusted with all legislative functions, and, above all, with the task of framing a constitution. But even if there were no doubt as to the legality of the Council, can your Lordships believe that such a body as at present constituted, with the feelings excited as they now are in the colony, when the Governor states that he could only fill it up by names taken from one portion of the community, and that portion a minority; assuming even that the Council was legally constituted, was it a body to whom at the present time, and under such circumstances, such a delicate and important function should be confided, as that of forming a constitution for the colony amidst so much discontent and excitement? My Lords, the Governor himself has pointed out, and with perfect propriety, the course of proceeding which I am led to believe would be satisfactory, and the only course which can be satisfactory to the colony—that of a final adjudication upon this important question by the intervention and the authority of Parliament. It is not merely that an ordinance signed by the noble Earl the Secretary for the Colonies should carry with it no legal weight, but I regret to be compelled to say, that after what has occurred in the colony, it is a hazardous thing to try what may be the respect paid to the authority nominally of the Crown, but virtually exercised by the Secretary of State for the Colonies. We have seen, my Lords, the authority of the Crown, as so represented, set at nought with success; and I cannot anticipate that even with the high name and authority of the Crown, an unhesitating assent would be given on the part of the people of the colony to any constitution which may be sent out on the authority of that Secretary of State with whom unhappily a large portion of the community have for the last two or three years carried on an angry and hostile contest. My Lords, I believe that to the supreme authority of Parliament all sections of the community will bow, and that that authority alone can solve the problem which at present is threatening the whole framework of society in the colony with dissolution. To that authority, my Lords, all parties would cheerfully submit in the first instance, and more especially so if power were reserved to the Legislature to be constituted, or to a majority—or perhaps more than a mere majority—to alter, with the sanction of the Crown, the institutions which in the first place might be given to them. You introduced a provision of this kind into the Australian Bill which passed last year. But that which is of all things the most important is, that this agitating and exciting question should not long be hung up—kindling fresh animosities, and causing fresh difficulties. My Lords, I might have hesitated as to the introduction of so large a measure of representative government as is contemplated in the plan disclosed by these papers. But I say that, inasmuch as the question has been raised, and has been raised upon such high authority, and has obtained the sanction of so large a portion of the colonists, and the sanction of the Crown, I say that any risk is to be encountered, and I will not bate one jot of the extent of free institutions proposed to be conferred upon the colony, however much I may look with anxious apprehension to the working of these institutions—at all events in the first place. But for God's sake settle the question here—settle it here by dispassionate authority, to which due respect will be paid. Settle it by the authority of Parliament—and for that purpose I call upon your Lordships to interpose. You have ample materials before you—the scheme of the dissentient members of the Assembly on the one hand, and on the other hand the scheme proposed and put into the form of an ordinance by the remaining members of Council, with the recorded opinions of the Governor and of such individual members of the Council—in short, all the information which your Lordships can possibly desire. The labours which would be imposed upon your Lordships and the Committee it is my object should be appointed, would be, no doubt, very important, but not necessarily of lengthened duration. But even if they were by a week or fortnight to protract the duration of the Session now drawing (at least, I hope so) to a close, I cannot but think that the occupation of a small portion of your Lordships' time and of that of the other House of Parliament, would be well bestowed indeed in assisting to confer peace on this distracted colony, now torn by intestine divisions at home and disturbed by a war, aggravated by the disinclination of some of the colonists to side with the Government, arising out of the disaffection caused by this very question. If your Lordships will interpose an authority which would be recognised where no other authority is recognised, and strengthen the hands of the Government by uniting the population on behalf of a form of constitution on which they have set their hearts, and thus combining them in defence of the country which is the native home of some, and the adopted home of all, I am sure there is not one among your Lordships who would not think the delay of a few days, or even of a week or two, amply compensated by the valuable results which would follow the interposition of your Lordships' authority in the colony, in the restoration to it of peace and tranquillity, and the restoration also of those friendly communications which it is most important to maintain, and which unhappily have been so interrupted, between the Government at home and the inhabitants of the colony generally. My Lords, I do not ask your Lordships to affirm this Motion for the purpose of any party triumph— [Earl GREY: Hear, hear!] The noble Earl cheers me; but I can assure him I am sincere. I do not mean to say I am not desirous of seeing the Motion affirmed; but that I desire it, not in order to obtain a party triumph, or to pass a censure upon the Government, but because I am anxious to see the friendly assistance and co-operation of Parliament tendered to Her Majesty's Government for the purpose of strengthening their hands, and of effecting the object which we have in view in the only way in which it can be obtained, so as to give satisfaction to the colony, and to secure the good working of the institutions we desire to introduce. With these words, my Lords, I move that a Select Committee be appointed, to which the papers laid before your Lordships in the course of the present or the last Session, with respect to the colony of the Cape, be referred. And I state distinctly that the object I have in view is, with the least possible loss of time, to introduce a Bill for the purpose of settling at once and for ever this difficult and complicated question.

Moved—

"That the papers laid before this House during the present and the last Session of Parliament, relative to the granting Representative Institutions to the Cape of Good Hope, be referred to a Select Committee."

Lord LYNDHURST rose, amidst loud cries for Earl Grey. His Lordship, having explained that his intention was to address the House on a point of law only, gave way.

Earl GREY: It is for that reason that I, who am incompetent to match the noble and learned Lord on the legal question, should now answer that which I am better able to answer, the general statements of the noble Earl. I think it is obvious that this course is for the convenience of your Lordships, and that it is also more fair to the Government that I should answer the general statement of the noble Earl, and that then the noble and learned Lord should deal with the legal question, and be answered by some noble and learned Friend of mine. My Lords, I confess I was surprised, after the very long and able speech of the noble Earl, that after having occupied your Lordships' attention for an hour and a half, the noble Lord should have, in a few sentences at the close of his speech, disposed of what seemed to me the most difficult part of the whole subject—the reasons in favour of his Motion. The noble Lord gave a very able and elaborate review, which however was not always correct, as I hope to show, of the transactions connected with this difficult subject; but when he came to the conclusion he called on your Lordships to adopt, he glanced only at the reasons in favour of his Motion; and I confess that I, who originally formed an opinion against the expediency of the Motion, am more than ever unable to concur in it, and am more than ever at a loss to divine the real grounds on which it is brought forward, unless indeed it be that which the noble Earl has disclaimed—the desire of obtaining a party triumph. The noble Earl's review of the whole subject will compel me also to refer in the course of what I have to say to the transactions of former years bearing upon this question; but fortunately there are many points in which I concur with the noble Lord, and I shall not have to animadvert on much of the earlier part of the noble Earl's statement. But before I proceed to consider the general question, it is necessary that I should, in the first place, shortly notice the noble Earl's complaint that in my despatch I have misquoted one of his own despatches. The noble Earl says that his despatch of 1842 was not meant as a refusal of representative institutions to the colony. Undoubtedly it was not a refusal in so many words; it was not in the noble Earl's own words a final and an irrevocable refusal; but I must say, having read the noble Earl's despatch, and having heard the noble Earl's explanation, I cannot help considering the despatch as implying as strong an opinion as it is possible for a Secretary of State to convey—to the effect that, however desirable representative institutions might be, and however, ultimately, they might be established at the Cape of Good Hope, yet that the time for their establishment had not then arrived. In that sense I understood the noble Earl's despatch. I took that view of it in my own despatch, and it does not appear I was mistaken. The noble Earl said, my despatch to Sir Henry Pottinger, on the contrary, was meant to take away all discretion from the Governor and the local authorities as to the grant of representative institutions, and to express that a conclusion had been come to upon the point, and that really they were only consulted as to the manner in which that great change was to take place. My Lords, such was not my intention; and however badly I may have expressed myself, I confess I am unable to find that my despatch fairly bears such an interpretation. On reading the former despatch of the noble Earl, I found that he professed to feel anxious to introduce representative institutions as soon as it could be done with a prospect of success, even though the measure might be attended with some not inconsiderable risk to the colony; coupling, however, with these expressions the intimation of great doubt whether the time was yet come for such institutions. Then in my despatch, afterwards, I said: "Since the date of Lord Stanley's despatch, the difficulty which before existed in a great degree has been much enhanced. I refer to the exasperation of hostile feelings towards each other among the different races, not only by the contest now in progress, but by the emigration of the boors, and their attacks on the north-eastern part of the colony." To all who attend to the subject, it is notorious that the real difficulty of giving representative institutions to the colony is, that that portion of Africa is inhabited by a great variety of different races, in different stages of civilisation, and some of them divided from the others by an inveterate hostility. The noble Earl spoke of my despatch as a public declaration of the intention to grant representative institutions. Nothing of the sort can be gathered from the publication of that despatch. My Lords, there is no direction to publish this despatch. It was designed for the Governor and his Executive Council, and beyond that body it was not seen by any person, that I am aware of, up to February last year, when it was included among the papers on this subject presented to Parliament. The noble Earl said, that the members of the Executive Council understood it to be decided that there should be some form of representative government, and that they were to be consulted only as to the mode in which it was to be constituted; and the noble Earl quoted the opinion of Mr. Montagu, who said, as every man of common sense would say, that it was a critical and arduous experiment, but that it was necessary to grant representative institutions. That gentleman, however, did not found his opinion as to the necessity of hazarding this great experiment on anything that had been said by the Secretary of State in the despatches, or on any decision of the Government at home, but upon the state of things then existing at the Cape; for he said—

> "I have long held the opinion that there are only two forms of government that will practically answer in a colony—one, which concentrates all power in the hands of the Governor and his responsible advisers; and the other, a complete representative system. There is no safety in halting between those two cases. But for the last fifteen years we have had the system of half measures in the Legislative Council, consisting partly of official, and partly of nominated members—partly deriving power as the representatives of the people, and partly composed of persons holding seats for life, or during the tenure of official situations. This modified form has proved a failure in the colony, in so far as public opinion is concerned, and public confidence in the government, and that moral influence which is necessarily connected with it."

That is to say, this gentleman considers representative institutions necessary, not on account of anything the Secretary of State had said, but because for fifteen years a modified system of government had existed, which had proved a failure as respected public confidence, and that moral strength which public confidence alone can give; therefore (he says) it is requisite to establish the system of representative government. My Lords, when Sir Harry Smith, the successor of Sir Henry Pottinger, found that these opinions were held by all the Members of his Government, and that there was at the same time in the public mind a great anxiety for a change in the system established, he made known to the colonists, by means of an answer to an address, that he had been instructed by the Secretary of State to ascertain whether representative government ought to be established at the Cape, and that he had come to the opinion that the change might safely be made, and had so reported. When this state of things was represented to me, I felt that when it was the opinion of an able and laborious public servant that the existing system could no longer work well, and when the Governor had declared that this, his opinion, had been reported to the Secretary of State; the question was praccally decided, and that there remained only to consider how the representative constitution should be established with the least chance of danger, and the greatest probability of success. My Lords, even this was a serious question, and so encompassed by difficulties that I should, but for what appeared an absolute necessity, have shrunk from it. But as that necessity seemed to have been established, and the question really to be considered was, how a representative government should be constituted in the colony, it appeared to me to be far the best course that could be adopted, that Her Majesty should be advised to refer the question to the Privy Council. The noble Earl has objected to that mode of proceeding, and has asserted that the Secretary of State should have assumed the responsibility of the measure. The noble Earl, however, should recollect that from the earliest period of our colonial system the Board of Trade, which still bears its ancient title, "The Board of Trade and Plantations," was the authority by which questions of this kind were considered previous to the ultimate decision of the Crown. Your Lordships must be aware that in the present state of this country, with the all but intolerable pressure of public affairs upon the heads of the great departments, it is practically impossible that the whole Cabinet should consider the details of a measure which requires minute and careful examination, and is the peculiar province of one department only. It is also clear that the Secretary of State, with the advice of those only whom he has in his own office, has not the advantage of all the assistance which is desirable in considering questions of this sort. It appears to me, therefore, that the return to the old system, of submitting the question to be considered by a Committee of the Privy Council, was attended by great advantage. I had by that means the very valuable assistance of my noble Friend the Vice-President of the Board of Trade; I had the assistance and advice of the noble Lord who was at that time a Member of the Cabinet, and who now fills a still higher station—I allude to the Lord Chief Justice; I had also the able assistance of Sir Edward Ryan, who is not a Member of the Cabinet, but who was possessed of great legal knowledge—of great knowledge in the affairs of our dependencies—obtained during his residence in India; and upon many of these questions, though not particularly upon the Cape of Good Hope, we had also valuable assistance from the late Under Secretary of State for the Colonies, Sir James Stephens, of whose abilities and knowledge upon these matters no man is more fully sensible than is the noble Earl (the Earl of Derby), and no man would bear more willing testimony to the great value of his assistance. He did aid us most efficiently in considering the subject of Australia, but other engagements prevented him from attending the repeated meetings which took place on the subject of the Cape. The assistance of the President of the Board of Trade was likewise of the greatest value. The report was agreed to after much care and deliberation, and after repeated meetings; but it was nothing until it was confirmed by Her Majesty in Council. And how was it confirmed? Not, of course, until it had been submitted to the Cabinet, and approved by them. Therefore, when the noble Earl says there is no person responsible for this measure, I say the Cabinet, and the Secretary of State, are just as responsible for this as they are for any other measure which they adopt; and referring it to the consideration of the Board of Trade was only an additional mode of securing further inquiry and deliberation before a step upon a subject of extreme difficulty was adopted. I happen to know, from testimony I have received from various parties, that this mode of proceeding has given the highest satisfaction in the Colonies. We had adopted it previously with respect to the Australian Bill: that Australian Bill was founded upon a report of the Committee of Privy Council, and in the Australian colonies satisfaction with it was universally expressed: it was considered that this preliminary inquiry gave great additional security for the exercise of proper care and deliberation in framing that momentous measure; and, let me add, the consequence of having a measure thus thoroughly matured and sifted before submitting it to Parliament was, that of that Bill, which for many weeks was under the discussion of both Houses of Parliament, and though every clause was eagerly sifted, and there was hardly a line of it which was not discussed, yet the Bill was passed—the result of all that examination and inquiry—by large majorities, with not a single essential modification of the scheme originally proposed.

The noble Earl objects to parts of the Report of the Committee of Privy Council with respect to the Cape of Good Hope, and more especially with reference to the Elective Council. I am not going to argue that question now, for this very simple reason, that the noble Earl has himself stated that whether it was originally a prudent recommendation or not, still having been formally made, and formally announced to the colony, it ought not now to be withdrawn; but that this measure ought now to be carried into effect. I am glad to hear that admission from the noble Earl. I entirely concur with him; but I must also add, that after having read all the very able papers of the gentlemen forming the Executive Council in the Cape of Good Hope, I still adhere to the opinion expressed in the Report of the Committee of Council; and I think it quite consistent with attaching great value to the opinion of public servants in the colonies, not to concur with or adopt all their views. In this country we have a wider experience and a more general knowledge of what has been the practical working of similar institutions elsewhere; and I believe there is no person who has carefully attended to the practical working of the constitutions of the British Colonies, who will not say that the constitution of the Legislative Councils in Colonies having Assemblies, is the least satisfactory part of these constitutions, and that which, on the whole, has worked the least well in practice. The original system in all the British Colonies was, that the Council should not be an independent body at all—it was, in fact, the Privy Council of the Governor. It is so to this day in Jamaica, the most ancient of our colonial possessions. The Council there can originate nothing; not merely no money bills, but no bills of any description whatsoever—they can amend, but they cannot originate. This Council is composed of a small number of members holding their seats during the pleasure of the Crown, and most of them holding offices in the Colonial Government. Such is now the composition of the Legislative Council in Jamaica; and it was the universal practice up to the time of the passing of the Canada Act, in 1791, that in colonies having representative institutions, the Council should be of similar character. In that year, for the first time, the Legislative Council in Canada was put upon a different footing—it was made a body to remain for life, and practically independent both of the Government and the people. Before the union of the two Canadas, no person who is at all conversant with the history of that colony will say that that form of constitution had really answered. There was one perpetual quarrel between the Legislative Council and the Assembly—it possessed no hold on public confidence and support. I believe that when you have an Assembly elected by a very wide and extensive franchise, it is necessary to have a body possessing somewhat more authority than the Legislative Councils have hitherto generally possessed, to share the responsibility of legislation with the Government; and at the Cape, I am persuaded, from the degree of discredit into which the existing Legislative Council had fallen, even when there was no Assembly to take precedence of it in popular estimation, that if, when you gave it a representative Assembly, an attempt had been made to have a Legislative Council upon the footing which was recommended, namely, consisting of a limited number of members named by the Crown, the result would have been that you would have had a body possessing little of public confidence, and of that strength which public confidence gives, and, at the same time, you would have lost in the Assembly the service of some of the members who would have been most active and valuable in it. This, however is but a speculative opinion, and, therefore, one on which it is quite right that I should abstain from taking up any more of your Lordships' time.

But, my Lords, I must now come to the history of the proceedings which took place when the despatches of 1850 reached the colony. The noble Earl has referred to those circumstances, and in many respects his statements are entirely correct. He has told you that at the time when these letters patent reached the colony, the Council was discontinued, or at least the Governor had not thought himself able to replace those members who had been driven from it by intimidation. He, therefore, adopted the measure to which the noble Earl has adverted, for the purpose of obtaining the opinion of the colonists as to the persons who should be appointed to fill the vacant seats. The noble Earl approves of the course pursued then. I will only say that I have no doubt that, under the very difficult circumstances in which he was placed, the Governor acted for the best; but I cannot help adding that I think the result has shown that it was an unfortunate determination, because the noble Earl has himself shown you how extremely unreasonable and factious was the conduct of those who were summoned to assist the Governor in Council in passing the ordinances. He has told you that the letters patent distinctly contemplated that, until the first writs of the new Assembly were issued, the power of the existing Council should continue. Those letters patent were issued and made public for general information, so that those who accepted seats in the Council for the purpose of carrying those measures into effect, did so with a full knowledge of the facts. The noble Earl said the resignation of the four Members of the Council was occasioned not by the cause ostensibly put forward, but by their having been overruled on some questions of considerable importance by the other Members of the Council. So far I agree with the noble Lord as to think that there is much room for entertaining that supposition; but I am not prepared positively to state that that was the case. But, if not, I think there was still less ground for the resignation. Because, what was the effect of the course which they took? An ordinance was proposed by the Attorney General, for giving effect to certain church regulations of the Dutch Reformed Church. This was an ordinance of a mere formal character, for giving effect to an unconfirmed ordinance of 1843. It appeared, that so long ago as 1843, when the noble Lord was Secretary of State for the Colonies, an ordinance passed which seemed to the noble Lord to be not quite perfect, but to require some amendment, and which, having been referred back for that purpose, was amended by a subsequent ordinance of 1845, which ordinance was confirmed; but, by some oversight, the original ordinance was not confirmed. This was brought to my notice, and I said the time for confirming the ordinance of 1843 was gone by, and that the course was to pass a new ordinance. It was a mere technical ordinance, and one the necessity of which was admitted by all; and yet it was upon this that the four Members thought fit to resign. When they announced their intention of doing so, the Attorney General moved a resolution, the effect of which was, that the consideration of the estimates only should be proceeded with, as being indispensably necessary for the public service, and that, with respect to all other matters, their being taken into consideration should depend upon their peculiar nature, and their admitting or not admitting of delay; the matters not of immediate and pressing emergency were to be reserved for the representative Parliament, and only those matters which could not, without great detriment to the public interest, be postponed, should be dealt with at once; and that, above all, the estimates for the year should be passed. It was in these words, "Estimates for the year," that the real secret of the opposition lay. It is perfectly obvious, from the papers drawn up by the seceding Members, that what they claimed was, that no pecuniary provision whatever should be made for the public service; that the Governor should go on until the Representative Legislature could be obtained, applying money by his own authority, subject to any question to be raised hereafter in the Representative Chamber, and that no provision whatever should be made for the future in the nature of a Civil List. It is perfectly obvious, that if they had carried this point, and a new Parliament had been allowed to come into force, with no salaries for the Governor or any officers under him, not a shilling permanently appropriated to the civil services of the Colony, all power, without any check or control, would have been virtually thrown into the hands of the new Parliament, created for the first time to represent a population, a large proportion of which was confessedly in so low a state of civilisation as to make the introduction of representative institutions a somewhat difficult experiment. In granting representative institutions for the Colonies, no Administration or Government has acted upon such a plan. In the case of the North American Colonies, and, last year, of Australia, Parliament and successive Governments have always thought it necessary that there should be some provision beyond the annual estimate of the public expenditure. The principle whch Parliament adopted last year with respect to Australia, withuot a vote against it in either House of Parliament, was this:—We stated that we thought it a just objection on the part of the Australian Colonists, that a very large proportion of the revenue of the colony should be altogether withdrawn from the control of the local Legislature, by being permanently appropriated to certain purposes by Parliament, and we recommended a different principle. We thought it right that there should be certain fixed charges provided for by permanent appropriations, which might be altered by the Legislature from time to time as occasion might require, but only by laws to which, like other laws, the consent of the Crown would be necessary. The whole of the public expenditure not thus provided for would be left to be annually voted by the Assembly. The difference between the two modes of providing for different portions of the colonial expenditure is simply that with which we are well acquainted in this country between the charges on the Consolidated Fund, and charges on the annual Estimates. In this country a large sum is appropriated by Act of Parliament, and that cannot be altered without the consent of the three branches of the Legislature. Another and a very considerable sum is voted year after year in the estimates. We thought the same principle should be adopted in the colonies. We maintained that the civil establishments should be provided for by permanent laws, to be altered from time to time by the Legislature; but in adopting this principle, was it proposed that we should use the power of the Crown to control and interfere vexatiously with the right of the Legislature to deal with the affairs of the colony, and make such reductions as they might think necessary? No. I refer your Lordships to the despatch which I wrote last year in transmitting the Act of Parliament with regard to Australia, which is on the table of both Houses and before the world, and that will show that the principle laid down was this:—We will not consent that the civil establishments shall be voted from year to year; but the Legislature are perfectly welcome to make such reductions as they think fit, subject to these two conditions—first, that the vested rights of existing holders of office, those who obtained them under the faith of the Crown, shall be respected; and, secondly, that the appropriation, whatever it may be, large or small, shall be a permanent appropriation not liable to alteration in the caprice of a moment, or the personal popularity or unpopularity of an individual public servant. While those principles were respected, I stated that there was no reduction which the Legislature could make to which I was prepared to advise Her Majesty to withhold her assent; that I thought it would be very bad policy for the colonies themselves to introduce a low and niggardly scale of payment, but that it was their interest which was concerned, and that if they made a mistake in those matters, I must trust to its being corrected by experience. I feel convinced that your Lordships will concur with me in thinking that there is no just ground of objection to the proposed arrangement; yet no man can read the papers without seeing that this was the point against which the opposition of the dissenting Members of the Legislative Council was really aimed. They protested over and over again against any permanent appropriation of the money of the colony by a nominee and an irregular board, and wished to reserve the question as to the legality of the past expenditure, and thus ensure a certain quarrel between the new Parliament and the Executive Government. I would ask whether it was possible for the Crown to allow a representative constitution to come into operation, leaving a question of this sort unsettled. Hence, my Lords, I contend that whether the resignation of the Members who retired, was really adopted for the reasons they assigned for it, or on those which the noble Earl believes to have actuated them, it was equally unjustifiable. But, however unjustifiable their conduct, the Governor, upon the resignation of the four Members, thought it impossible to proceed to pass the Ordinance which was required to bring the representative constitution into operation. The noble Lord has suggested a mode by which the difficulty might have been got over: the Governor, he says, might have declined to accept the resignation of the four Members. I am inclined to concur with the noble Earl on this point, and to think that the Governor should have declined to accept the resignations when, so long as he could command the presence of six Members for a quorum, there could be no doubt as to the legal competence of the Legislative Council to continue its sittings in order to pass the Ordinances. But as the Governor accepted the resignations tendered to him, the position of affairs was altered; and when this report was received, it became a serious question what should be done. The Governor had strongly recommended that the supplementary regulations necessary to give effect to the letters patent, should be enacted by Order in Council, instead of by Ordinances to be passed in the colony; but, on the other hand, I must say, that considering the mode in which those four resignations had taken place—believing that their real object was to create an impression in the popular mind at the Cape that the Governor was powerless in the hands of certain persons, who had from unfortunate circumstances been able in one case (to which the noble Lord has referred) to overrule the intention of Her Majesty's Government, their intention being to show to the people of the Cape that it was in their power to thwart the deliberate intentions of Her Majesty's Government—I did think, and my Colleagues concurred in the opinion, that, although if it had been a new case, there might have been no great reason for preferring a local Ordinance to an Order in Council, for the enactment of the various provisions subsidiary to the letters patent which were required; still under the circumstances it was important, when we were confident that the course taken was substantially right and proper, and the resistance perfectly factious and unprovoked, to show that our deliberate determination was not to be overruled. I have no hesitation in stating to your Lordships that this was in my mind the main consideration. Accordingly we referred back the question to Sir Harry Smith, directing him to complete the Council, and pass, by its authority, an Ordinance, as was originally proposed. Unfortunately, when my despatch of the 10th December arrived at the Cape, the Governor was engaged in the contest with the Kaffirs which had recently broken out, so that it was impossible for him to act upon the instructions which were sent to him. He reported that in the meantime he thought it advisable that he should be enabled to legislate with a Council of reduced numbers—that it was obviously inconvenient that no legislative authority should exist in the colony—and he recommended that he should be allowed to proceed with a Council of six members instead of ten. That advice has been acted upon, and the Governor has been empowered to proceed with a Council of a reduced number. This was done by an instruction transmitted to the Governor in a despatch dated May 13. That is an instruction of which the legality is contested. I am happy, however, to find that the noble Lord does not lay much reliance upon the grounds upon which its legality is contested. He stated, indeed, that he was not learned in the law, and that he should leave it to hands better qualified to deal with the subject, confining himself merely to the opinion given by three very eminent lawyers, and quoting a despatch of mine transmitting the instructions. I must so far agree with the noble Lord as to confess that that despatch was hastily and carelessly composed. I must take blame to myself for this, that in the great pressure of public business, having received at the last moment before the mails had to be made up, the opinion of the law officers that the instructions proposed were perfectly legal, I did misapprehend the grounds upon which their opinion was founded, and in consequence of that the despatch was to a certain extent incorrectly and inaccurately expressed: but beyond that inaccuracy of expression, I believe that there is no fault whatever to be found with it. With respect to the law, I shall follow the course of the noble Earl, and not enter more than very slightly indeed into a question which I am sure is beyond my strength, and which, I am equally sure, will be well argued, by and by, by my noble and learned Friend on the woolsack. I will therefore make but one or two passing observations on this part of the case. First of all, I will say that I was advised by the law officers of the Crown that that instruction was perfectly consistent with the law; and having since consulted those upon whose judgment I have the greatest reason to rely, including some distinguished ornaments of your Lordships' House, I find that my opinion as to its legality is strictly confirmed. The noble Earl has quoted the opinion of three lawyers of undoubted eminence in their profession; but it is a very old maxim that there is very little weight to be attached to an opinion signed by any lawyer, however eminent, unless you can see the case upon which that opinion is founded. In this instance we have the advantage of having seen the case, and without making the slightest reflection upon the professional ability and character of Sir Fitzroy Kelly, Mr. Walpole, or Mr. Kenyon, I must say that their opinion, being formed upon a case in which the facts are entirely misstated, is completely valueless. The case begins by saying—

Earl Grey

> "It is clearly established that, by the law of England, a legislative constitution once granted by the Crown to a colony is irrevocable, except by the authority of the Imperial Parliament, or by the act of the local Legislature, with the consent of the Crown; and that it is incompetent to the Sovereign alone to suspend or in anywise to restrict or limit a constitution so granted, in derogation of the rights and privileges thereby conferred upon the people of the colony, or of the benefits resulting to them therefrom. In this case the letters patent of 1847 confer upon the colony a Legislative Council constituted in part of official servants of the Crown, and in part of independent Members selected from among the people; and there must be always at least four of such independent Members. By the letters patent of 1850 a further grant is made of a Parliament to be constituted according to the Ordinance of the Legislative Council then in existence."

Now, with respect to the first point, I believe that it is quite indisputable—at least, I have no motive for disputing it. I believe that Lord Mansfield's celebrated judgment was, that when the Crown had granted a representative constitution to any colony, it was not competent for the Crown to withdraw it. But with respect to what the case said about the letters patent of 1847 conferring upon the colony a Legislative Council constituted so and so, I dispute the accuracy of the statement. In the case laid before Sir F. Kelly and his Colleagues certain material words in the Commission issued to Sir H. Smith, in 1847, which were a transcript of the prior Commission of Sir B. D'Urban of 1833, were altogether omitted. The words were—

> "And we do hereby give and grant unto you, the said Sir Henry George Wakelyn Smith, full power and authority, with the advice and consent of the said Legislative Council, to make, enact, ordain, and establish laws for the order, peace, and good government of our said settlement of the Good Hope and its dependencies, but subject nevertheless to all such rules and regulations as by your said instructions we have thought fit to prescribe in that behalf, or as by any further instructions under our signet and sign manual, or by our order in our Privy Council, or by us through one of our Principal Secretaries of State, we shall or may think fit to prescribe; provided nevertheless, and we do hereby reserve to ourselves, our heirs or successors, our and their undoubted right and authority to disallow any such laws, and to make and establish from time to time with the advice and consent of Parliament, or with the advice of our Privy Council, all such laws as may to us or them appear necessary for the order, peace, and good governmtnt of the said settlement and its dependencies, as fully as if these presents had not been made."

Now, my Lords, Lord Mansfield's opinion was founded on this fact; a proclamation had been issued by the Crown for giving representative institutions in the island of Grenada, with assurances that the colonists should have the full power of taxing themselves. Subsequently letters patent were issued fulfilling that proclamation, and the Court held that, by the promises so given and fulfilled, the Crown had foregone its legislative power, and could not resume it. But in this case the Crown, instead of having foregone, reserves not only the legislative power of Parliament, which would be reserved without mention, but "the full and entire power of legislating by Orders in Council as fully as if these presents had not been made." Surely, upon a case laid before lawyers, in which this material clause is altogether omitted, their opinion is one to which little stress or little weight attaches. But further, the case recites that "the letters patent of 1847 conferred upon the colony a Legislative Council, constituted in part of official servants of the Crown, and in part of the independent Members selected from among the people, and there must be always at least four of such independent Members." Now, the letters patent do no such thing. The letters patent do this, and only this: After reciting that there shall be two Councils, one a Legislative Council and the other an Executive Council, they proceed—

> "And we do direct that the said Councils shall respectively be constituted in such manner as in that behalf directed by the instructions herewith given to you, or according to such further powers, instructions, or authorities, as shall at any future time be granted to or appointed for you under our signet and sign manual, or by our order in our Privy Council, or by us, through one of our Principal Secretaries of State."

The letters patent said nothing about official or unofficial Members of the Legislative Council. They simply said that there should be a Legislative Council, which should be constituted as directed by certain instructions sent herewith, or according to any future instructions that might be sent. So that here again the case before these lawyers is not only inaccurate, but the very reverse of the fact. With regard to this question, as it will be dealt with by far abler hands than mine, I may now pass it by, having said quite sufficient to show that the opinion professing to rest on a case, which on the face of it is altogether inaccurate, must itself fall with the case on which it is built. But, my Lords, allow me to point out what is the object of the instruction under the sign manual, reducing the number of members of which the Legislative Council is to consist. By this instruction, and the despatch transmitting it, the Governor is directed to use the power of that Legislative Council merely to pass such legislative measures as may be absolutely necessary, until the representative constitution can be carried into effect. I entirely concur with the noble Lord when he said it was absolutely necessary that the Crown should scrupulously adhere to carrying into effect promises given, and that a representative constitution having been promised, that it should be carried into effect with as little delay as possible. I entirely concur with the noble Earl in wishing that the legislative constitution should be brought into operation at the earliest possible period; and I say that, but for conduct unexampled for its factious and vexatious character, beyond all question that constitution would at this moment have been in operation. Nothing but the conduct of the four retiring Members of that Council has prevented representative institutions being at this moment in full and complete operation. And I say more—I have most full and complete and entire confidence, that in a very short space of time the necessary steps may be taken, and that that constitution may be brought into effect. The noble Earl urges that the question should be settled here, and asks, will the

Council named by the Governor have any real weight or authority, and will its determinations give any satisfaction to the colonists? I am much inclined to concur with the noble Lord, so far as to think it a case in which Her Majesty's Government should take upon themselves the responsibility of settling the question, and Her Majesty's Government are prepared to do so. But they will do so in a manner in which, under all the circumstances of the case, they think proper and fit. The papers sent home from the colony contain most complete information on all points on which information is necessary. With those papers before us I have no doubt little difficulty will be found in framing in this country the draft of ordinances sufficient to complete the letters patent already issued; and it is the purpose of Her Majesty's Government—a purpose which I believe has been communicated by my noble Friend at the head of the Government to persons interested in the colony—without loss of time to apply themselves to the consideration of those draft ordinances which may be transmitted, as soon as possible, to the colony for the purpose of being there enacted. I have little doubt the Governor will be enabled to assemble a Council, technically competent, according to law, to pass these ordinances, and that they will be passed I have as little doubt. I am sanguine, also, in thinking that with the means at his disposal, the Kaffir war cannot be of long continuance, and that the only obstacle to the completion of this constitution will be removed. The noble Lord urges that the Imperial Parliament should legislate on the subject. He says that nothing but the authority of Parliament can settle these questions. He does not deny—and it is very satisfactory to hear this—the legal competency of Her Majesty to bring this constitution into operation by virtue of Her own authority. He admits the letters patent to be good and binding—that the ordinances under them will be binding in the colony—and that the constitution may thus be established; but he says, in effect, that I have so entirely lost the confidence of the colonists, that it is desirable that an Act of Parliament should be had recourse to. If the fault is in me, it would have been far better had the noble Earl moved an address to Her Majesty, praying Her to place the seals of the Colonial Department in other hands, instead of taking what, I must be permitted to say, is an inconvenient course—the giving up the proper and constitutional powers of the Crown, because those powers are entrusted to hands not capable of exercising them. If he entertains that opinion, the course I have pointed out is one which it is in his power to adopt. But let me point out to your Lordships, that the mode of granting a constitution which the Government have adopted in this instance, upon great deliberation and careful inquiry, and with the assistance of eminent legal advice, is strictly consistent with the oldest precedents and the oldest practice in the colonial history of this country. I hold in my hand a statement of the leading steps which were adopted when in the year 1664 the first colonial constitution was issued in the case of Jamaica. [The noble Earl here read the statement he referred to, to the effect that the measures taken in respect to Jamaica, were to direct the Governor to call a Council, and by its advice to establish a General Assembly; and in July, the same year, the Governor, by the advice of his Council, issued his writs for the election of two Members of the Assembly in each parish.] This precedent has been carefully followed in the letters patent sent to the colony of the Cape in 1847. We have settled that there shall be an Assembly and a Council; and not being able to fix the limits of electoral divisions and the number of voters with a given qualification, and other local details, we have directed the Governor to obtain the assistance, not of a Privy Council, but of a Legislative Council, which exists at the Cape, and did not exist at Jamaica, to make those arrangements. I am sure your Lordships will perceive how strictly and closely we have followed the precedent. Jamaica was not, however, near so complicated a case as that of the Cape. The population of Jamaica was composed of only two classes, slaves and planters; but as no one thought of giving slaves the right of voting, the question was narrowed mainly to the division of the island into parishes. In the Cape we had not slaves, but those who were very recently slaves, and a mixed population with very discordant feelings, which rendered it the more necessary to give a wider discretion to the local authorities. But, at the same time, the main and leading principles of the constitution are so clearly defined in the letters patent, that practically the points at issue are very slight — so slight that this remarkable circumstance has happened; the Attorney General has sent home his draft of the Order in Council for approval, and the gentlemen who come as delegates in opposition to the Colonial Government, have urged on my noble Friend at the head of the Government, that they should take that constitution just as it stands by the Attorney General, as a document emanating from the Legislative Council, and pass it into law. The difference is so unimportant that they pray they may have the very thing they might have had in the first instance, but for their resistance to the measures of the Government—a resistance, as I say, designed for no earthly thing but to show their power, and the weakness of the Governor—to convince the colonists that to them they must look up for advice and direction, and not to the Governor. No other object but this has prevented that constitution being now in force; and I must say it does not appear to me that such a case as this is a case for the interference of Parliament. One word on the question of legislation. If legislation is the right course, Parliament ought to deal with this case; but if the Crown is competent, it was better for the Crown to do it without legislation. The right was invariably exercised by the Crown until 1791, when the Canada Bill was passed. I find no instance in which a constitution was established by Act of Parliament before that. Does the noble Earl find any instance? [The Earl of DERBY signified that he did not.] I believe that until that year, in creating representative institutions, the Crown invariably proceeded by commission, under the Great Seal, directed to the Governor. But in the case of Canada there were special circumstances which called for the intervention of Parliament. That lately conquered province was almost entirely inhabited by a Roman Catholic population, on whom, in the then state of the law, the privileges which the Crown wished to grant could not be conferred except by the consent of Parliament; it was therefore as necessary as it was wise to obtain the assistance of Parliament to enable the Crown to grant those privileges. Principally for that reason, the former practice was departed from, and a constitution was granted by an Act of Parliament. The same course has been adopted since in the case of Australia, for a similar reason, namely, that the Crown could not by its own authority accomplish what in that particular case was required. The Crown has no legislative power in a colony not obtained by conquest or cession, and in such a colony can grant a representative constitution, but can grant no other; and in Australia, the population, in the early days of the colony, consisting mainly of convicts, such a constitution was inapplicable. Therefore, the constitution of Australia was originally granted by an Act of Parliament; and when the form of government is established by Parliament, no less authority can make any alteration. Thus, it would be a departure from old practice to institute representative institutions at the Cape, where no such exceptional circumstances existed by legislation. But then the noble Earl says, that we should have a Committee. I must say a Committee would be a very irregular mode of proceeding, and surely would be very inconvenient. Here we are near the middle of July; and we know that last year the Australian Bill (on which, after all, questions of much less difficulty arose than would arise on the Cape of Good Hope) occupied the major part of the Session, occupied a greater portion of time than was devoted to any other public business in both Houses of Parliament. This Session, in consequence of the extreme urgency of certain Bills, we have been compelled to postpone a variety of measures which were of pressing interest; and I cannot help thinking that it is rather an extraordinary course, when measures of this description have been necessarily postponed, to call on the Government to introduce a Bill which would lead to discussions not much shorter than those which took place on the Australian Bill. I am sure, if that course is taken, the ceremony of proroguing Parliament will be almost needless, and we shall conclude this Session about the time when it is proper to open the next. But, my Lords, I am willing to assume that legislation is the right course. Is that any reason for a Committee? What have a Committee to do? Is there anything to inquire about? The facts of the case are all before us; and if the noble Earl thinks we (the Government) have done wrong, his course is to move an Address to Her Majesty to rescind those instructions, and humbly pray Her Majesty to dismiss Her Ministers. But, delay being the thing which the noble Earl wishes to avoid, of all courses he proposes a Committee! Now, I think, your Lordships must have been struck with one circumstance, which made a great impression on me. When the noble Earl gave notice of this Motion, a fortnight ago, he laid the principal stress on the legal part of the question. In the notice, he implied that, as nearly as possible, the main object he wished the Committee to consider was, whether the instructions issued in May last were conformable to law, and whether or not it was necessary to pass a Bill of Indemnity to Her Majesty's Government. Remember, a Bill of Indemnity. For what was a Bill of Indemnity required?

The **Earl of DERBY**: To cover the acts of the Governor of the Cape of Good Hope, in having expended money for two years without any legislative authority.

Earl GREY: I am glad to know the grounds on which a Bill of Indemnity could be required. Without explanation, it was difficult to understand what those grounds were, and since the explanation it is still more difficult to understand them; because, by the noble Earl's admission, the power of the existing Legislative Council remaining intact until the first writs are issued creating a new Assembly, whatever Parliament did to cover the appropriation of money, the Colonial Legislature could do also, and it would be more convenient, because the latter would know what acts they were going to legalise. We do not know here what the Governor has done, against which he requires to be indemnified; but that is easily ascertained on the spot where the Bill of Indemnity is to be passed. I was saying, the intention of the noble Lord, gathered from his first notice, was, that a Committee should inquire into the legal question. Now, I must say, nothing can be more inconsistent with practice and precedents, than to delegate to a Committee any authority to inquire into the law. Why, this House itself has no right to pronounce on any question of law until the question comes before it in a regular course as a judicial tribunal. Sitting as a branch of the Legislature, this House has no such power, and no right to do so; but that a Committee should inquire and decide on a question of law, seems altogether unprecedented. Your Lordships must consider upon what grounds you are asked to appoint this Committee; because, although you may disapprove the policy of Her Majesty's Government, yet as the noble Lord has not taken the course of moving a vote of censure, it is still your duty not to agree to the specific Motion for a Committee until you are satisfied there are good and valid reasons for it, and that your adopting it will conduce to the public advantage. The noble Earl, disavowing all party considerations, says he tenders to Her Majesty's Government a friendly assistance. I certainly do not see on the other side any strong symptoms that this is not a party question—I do not see any symptoms of strong wishes of friendly co-operation—a co-operation, if I may be allowed to express an opinion, which would be really useful to Her Majesty's Government, and conducive to the peace and safety of the Cape colony. I have shown your Lordships that the noble Earl has not been able to state any plain or intelligible object to be obtained by the appointment of a Committee. This alone, I think, would be a sufficient reason for objecting to it. But I should much deceive your Lordships if I were supposed to think it would be merely innocent. As respects this country I should say, take your Committee in welcome—name your own members—take all the papers—sit upon them as long as you please—present to Parliament such a report as you please. But it is my duty, and it is your Lordships' duty, to look beyond the walls of this House—beyond this country, and to what is going on in the colony; and I say, if you consider the subject in that way, it is impossible to adopt a course so full of danger, so full of injury to the public service, as the appointment of such a Committee as that proposed. What must be the effect of it? Clearly to throw doubt and uncertainty on the authority of Her Majesty's Government and all that has been done in the colony—to support the views and objects of those gentlemen who have come over to this country as organs of a particular party, in opposition to the local Government, and in opposition to Her Majesty's Government. It must be to give direct support and encouragement to them. They have taken the opinion of counsel on a case drawn up, as I have shown you, with singular inaccuracy, in order to prove that Her Majesty's Government have acted without due legal authority, and to drive Her Majesty's Government to alter a certain line of policy, deliberately adopted, after careful consideration. If your Lordships consent to appoint this Committee—if by taking that course you apparently support all these views, I ask if it can have any other effect than to weaken the authority of the gallant Officer to whom is entrusted the difficult task of governing the colony, and to encourage the factious and unscrupulous party who have opposed him? Now, my Lords, I think you must be aware, even from what I have now said, how dangerous is the course proposed. But those who have not carefully watched the proceedings of the colonists, and do not know the true character of the party represented in this country by the gentlemen to whom I have referred, can only imperfectly estimate the evil which will arise from the adoption of such a course; and I think it absolutely necessary, therefore, before I conclude, to make known to your Lordships the true character and the true conduct of that party. In doing so it will be my painful duty to speak severely; but it is a duty which I feel I am bound to undertake, which I have deliberately resolved upon, and which I shall endeavour to perform as dispassionately as is consistent with clearly stating the facts to your Lordships. Now, my Lords, the party in opposition to the Queen's Government in that colony trusts for support mainly to two classes of persons, as the noble Lord opposite has stated; in the first instance to some of the Dutch farmers, and also to a party organised at Cape Town during the anti-convict agitation. With regard to the Dutch farmers, I am bound to say I attach great value to that class of colonists. I believe they possess many great and valuable qualities, dashed with some not inconsiderable alloy. Unfortunately to a great extent they are ignorant. Unfortunately they are too easily led away by designing men, whose objects differ from their own. This class of persons has been for several years in a state of great discontent; and I am bound to admit that that discontent was in its origin a just one, as it mainly originated in the measure of the noble Earl opposite for the emancipation of the slaves. I am perfectly aware that many for whom I have great admiration, were jointly responsible with the noble Earl for that measure. I know his intentions in proposing it were most praiseworthy and most excellent, but I will not the less state that I think now, as I thought in 1833, and as I stated in 1833 in my place in the other House of Parliament, that that measure was an unwise one; that it carried a great and holy object by injudicious means; that it was calculated to inflict great and unnecessary injury on the masters of slaves whom you emancipated, and was at the same time not calculated to advance the true and best interests of the slave population, to which you gave the inestimable boon of freedom. Whether that opinion of mine is inaccurate or not, at all events the noble Lord will not contradict me when I say that the discontent of the Dutch boers dates from, and may be traced to, the Slave Emancipation Act of 1833. That measure created a disposition on the part of the Dutch population to withdraw beyond the reach of British authority into the interior of Africa. It is that measure, carried as it was, which has been the fertile source of all the difficulties with which from that time we have had to contend, and with which we shall for some time longer have to contend. My Lords, that disposition of the Dutch population to withdraw from the British authority, led, in 1842 or 1843, to their withdrawing to Natal. But the noble Earl opposite would not allow them to establish an independent power, and despatched a military force, and, after considerable loss of life, the attempt to establish themselves in an independent territory was frustrated. Now, my Lords, these persons are intimately connected by blood relations and ties of friendship with a large population living within the colony; and though I believe at one time much progress had been made in conciliating the population within the colony, unfortunately recent events have enabled designing men to mislead them as to the true objects and intentions of Her Majesty's Government. This republican party is one of those on which the opposition, led by Sir A. Stockenstrom, rest for support. The other party is the party which was organised at Cape Town during what is called the anti-convict agitation. The noble Earl has been very severe on what he thinks was a mistake made by Her Majesty's Government, and principally by myself (for true it is that in matters of this kind the principal blame rests on the person in whose department the error, if error it be, is committed)—the noble Earl was very severe on the error, as he contends, committed in sending convicts to the colony in 1849. I will not now repeat what I have formerly stated to your Lordships on this subject. It is very possible that may have been an error. All I can say is, it was a course taken at a time of extreme difficulty—difficulty left to Her Majesty's present Government in a great measure by the noble Earl opposite having brought Van Diemen's Land into such a state that convicts could be no longer sent there. It was a difficulty of a very urgent character, in the then state of Ireland, how to dispose of a large number of persons who, during the pressure of famine, had committed offences. It is my firm belief that if they had been received, as I certainly thought they would, instead of injury to the colony they would have been of advantage to them, consisting chiefly of ticket-of-leave men who had been driven, during the famine in Ireland, for the preservation of life, to commit plunder. They had incurred punishment, and they could not be suffered to remain without punishment. They could not remain at Bermuda, on sanitary considerations—they could not be sent home. It was equally impossible to send them to Van Diemen's Land. The Government could do no other than send them to the Cape. But I have explained to your Lordships on a previous occasion, that it was the intention of the Government to limit the number of convicts sent to the Cape to that particular body. Whether the error was on the part of Her Majesty's Government in sending, or the colonists as to receiving the convicts, I am happy to find that the noble Earl has not justified the resistance which was offered to the Government upon this point. The noble Earl has not justified the measures resorted to by the Anti-Convict Association. I am compelled to say that the leaders of that association, acting on an honest and, as I think, a misguided feeling on the part of the great majority of the colonists, did contrive to establish for a time a system of mob government of the most dangerous description that ever existed. The noble Earl has doubtless seen a very remarkable pamphlet, written by a colonist and a settler, a member of the Scotch Church, and connected with the missionary institutions of the Cape—he was one of those who were originally parties to the movement against the importation of convicts. In that pamphlet the writer indignantly disclaims being any party whatever to the subsequent efforts and acts of the association, which, by having a monopoly of the press, and by carefully excluding all resolutions and speeches not coincident with their own views, and by a system of intimidation carried to the extremest length, established a power in the hands of a few persons of the most dangerous character. My Lords, you are aware that this power was used in the first place to endeavour to starve Her Majesty's troops and the civil servants in the colony, by depriving them of the necessary supplies, and this after the Government had made a distinct promise that the convicts should not be landed. The Governor told them that he had no power to act without instructions from the Home Government; and he only asked in the interim that those unhappy men, whose health was seriously affected and broken down from their long confinement, as well as from the effects of a voyage under a tropical sun, should be allowed, pending reference to the home authorities, to have the supplies necessary for the preservation of their lives. This moderate request was resisted by every possible means. Intimidation was carried to the utmost extent, and, in order that you may understand what really was done by this association, I trust I may be permitted to state one individual case. There was at that time at the Cape a Mr. Stanford, who has been since knighted by Her Majesty for his services. He was formerly an officer in the Army, but he left the service and settled in the Cape, where, by remarkable energy and perseverance, he succeeded in acquiring a large landed estate and other property of considerable value. When he became acquainted with what was going on, he went to the Governor, and, although fully aware of the risk he ran, he said, "So long as I can furnish supplies, I will not allow that army of which I once was a member to be deprived of the necessaries of life; neither will I allow, as long as I have the means, the unhappy convicts in the *Neptune* to die a lingering death from the want of fresh provisions, nor permit the sick sailors in the naval hospital to be deprived of the supplies necessary for their recovery." Having a large supply of cattle and corn, he was able with great difficulty, in spite of the measures adopted to thwart him, to assist the Government in obtaining the supply required. What was the consequence? He became a marked man, and from that hour to this—because these measures of hostility have not been confined to the time of excitement, when the *Neptune* was in Simon's Bay, even although it is a year since the Order in Council was recalled by which convicts were sent to the Cape—that persecution continues. His servants were intimidated; no man was allowed to buy or sell with him; his crops of corn became almost valueless because they were nearly blown out of the ear, as he could not get labourers to harvest it unless he paid the most extravagant wages; no bank dares advance him a single shilling without a certainty of ruin; his own most intimate friends dare not furnish him with articles of the first necessity; the apothecary who had the prescription of the medicine which was necessary for the health of his wife refused to make up the prescription. Nor is this all. This unmanly vengeance is extended to his wife and children. His farm is situated at a considerable number of miles from Cape Town. It happened that his eldest child was taken suddenly and dangerously ill. He hastened to Cape Town to take down Lady Stanford to nurse her sick child. These parties had the heartless barbarity to place him under such a ban that not a livery stable-keeper would furnish the distressed mother with horses to take her, or the physician whose aid she had called in, to visit her sick child; and it was not until late in the evening that, by the assistance of the Governor's secretary, a carriage was obtained, which had to be taken a considerable distance out of town before it could venture to receive them. But the vengeance did not stop here. The child died. It became necessary to inter its remains, which were brought for that purpose to Cape Town. The carriage in which Lady Stanford was travelling on this sad errand was obliged to stop at an inn on the road side, in order to obtain a change of horses. The innkeeper said that he had children himself, and that he had not the heart to refuse the request to the unhappy mother. What was the consequence? His inn was deserted; travellers then in his house left him in a body, and he has been ruined in his business. These are the means adopted for consolidating that power whose object was not merely to prevent convicts from being landed at the Cape of Good Hope—for the system is still carried on when all danger of such a measure on the part of the Government has been removed—but to consolidate the power of a party, to which the success of the present Motion would be a sanction and a direct encouragement. My Lords, allow me to inform you that the ringleader of the Anti-Convict Association is the owner and editor of the newspaper which, conducted in a vile spirit, is the ready, efficient, and detestable instrument of these atrocities—I say the owner and editor of that newspaper, and the prime mover of the Anti-Convict Association—who is responsible for this mean and paltry system of persecution against an unfortunate woman in the deepest distress to which a woman can be exposed—the person who is the leader of this association is that Mr. Fairbairn, who is now in this country as the organ of the party whose views will be promoted if your Lordships, by agreeing on this Motion, throw doubt and uncertainty on all that Her Majesty's Government have done. It is not true that by referring these papers to a Select Committee you can advance the constitution, as has been alleged; it can have no effect of the kind; the only effect and the only consequence that possibly can result from it is to throw an implied censure upon Her Majesty's Government. If we have deserved censure I do not refuse to submit to it. If it is a just censure, I say, propose it directly, and in such a manner that Her Majesty's Government may resign to other hands the powers which they have shown themselves incompetent to employ usefully. But do not take this course, by which, without effecting any real change, you exasperate the existing divisions and animosities; and, while you leave the existing policy to go on, you deprive that policy of its real chances of success. I cannot believe that your Lordships will come to a vote calculated to lead to such a result, and I therefore do look forward with the utmost confidence to the rejection of this Motion.

The EARL of MALMESBURY: My Lords, I shall neither follow the noble Earl through the many extraneous topics he has introduced into the closing part of his address, nor shall I make any comments on the introduction of the persecution of Lady Stanford, which appears to have been done for the purpose of diverting your Lordships' attention from the real question before the House, and inducing you to forget the unanswerable arguments of my noble Friend behind me. The real question before your Lordships is, whether the constitution which it is universally acknowledged is called for by the Colony, should proceed from the hands of Parliament, or from the hands of the Executive Government. The whole of the arguments urged by my noble Friend who opened the debate have been entirely untouched by the speech of the noble Earl opposite. I have no wish to weaken the power of the Colonial Office; I have no wish to deprive it of the power the Crown has endowed it with; I have no wish to humiliate the noble Earl by depriving him even for a time of the executive power he derives from his office. All I ask your Lordships is to do that which the noble Earl has voluntarily done of himself. The noble Earl has himself abdicated his power—he has abdicated his responsibility, by which he should have stood; he has abdicated his own judgment, and now, after having given into other hands the work which he should have done himself, he is so susceptible that he refuses to delegate to Parliament the performance of the task that he has himself refused to perform. The noble Earl has abdicated his power by delegating it to the Privy Council. The authority of the Privy Council was created in 1660, by Charles II., but it was shown that that authority was subservient to the authority of the Colonial Secretary when that office was created. The noble Earl has, however, adopted the contrary course, and he finds his excuse for the abdication of his authority in the advice of Sir Edward Ryan. He gave up, not only his authority, but also his opinion. From a letter of the noble Earl, dated February 12, 1849, he declared it to be his opinion that a nominated Council was the sort of Council that ought to be appointed for the colony. But it appears that the Privy Council ordered an elective Council for the colony, and the noble Earl abandoned his own opinion in deference to others; and I am myself satisfied that if the colony was allowed a greater latitude in their choice of a constitution, the dispute between the boers and the Government might have been softened down and ultimately arranged. It is remarkable that Sir Harry Smith did not reply to the noble Earl's letter for nearly two years. On a previous occasion it was four years before the colony made any reply to a communication of that noble Earl. In the reply to Sir Harry Smith not a word was said about a constitution; and from the unfortunate moment of the Government sending a convict ship to the colony after having promised that it should cease to be a penal settlement, from that moment they had no sort of confidence or faith in the Government at home, or in any one of the promises made by it. From that moment they manifested the greatest disgust towards the English Government, and from that moment they have thwarted every act of the noble Earl and his Colleagues. With respect to the conduct of the Governor, the noble Lord observed that Sir Harry Smith would have escaped the trap which was set for him if he had refused to accept the resignations of these four gentlemen; but what were the facts? Why, Sir Harry Smith only accepted them provisionally; and it was the noble Earl who, in his letter of the 10th of September, 1850, after rebuking severely the Governor for giving up any of his authority, accepted the resignation. Now, what was the course that ought to have been pursued? The Governor General and the Colonial Office should have said, "After you have been elected by the people, and your election confirmed by the Governor, you must now do your duty, and attend the Council." It is certainly to be regretted that the noble Earl did not send back an answer to the colony, stating that Her Majesty refused to accept their resignation. He could not but be struck with the singular fact of how fully all the prophetic fears of the noble Earl near him (the Earl of Derby) had been realised since 1842. Remembering all that had occurred since that time, he could not but call to mind how often he had heard it said, or had seen it stated in print, in speeches, and in the public press, that his noble Friend was a rash, impetuous, and inconsiderate statesman, and how much the country was indebted for the change that had taken place; but he would ask with confidence who it was really deserved such imputations—the noble Earl, or his successor? Who had been the most impetuous and the most rash? Who had been the least blind, and the most gifted with foresight? The question now is whether is it better that the colony in its present state should receive a constitution from the hands of the Imperial Parliament which it still loves and respects, or whether it shall receive it at the hands of men with whom it has been for a long time in hostile collision—men whom the majority of the colonists declare to be unfit for office, and therefore, it must be presumed, unfit to legislate—from men against whom a bitter feeling of hostility exists, and from whose hands they would receive a constitution not as a gift or a boon, but as an act of decided hostility? Two of the inhabitants, delegated by a large body of the colonists, have come over to this country, and now we find that there are no less than four constitutions recommended by the Governor General or by the Executive. At all events, there are on your Lordships' table at the present moment seven different and distinct plans of constitution for the colony. It has been said that a Committee is not the fit place for such a subject. I beg leave to differ with those who think so. Under the peculiar circumstances in which the colony is placed, I cannot conceive any tribunal more fitting and proper. We have the papers here before us, and they can be submitted to a Committee fairly selected by the House. We have the advantage of the experience of the noble Earl who has been many years Colonial Secretary, and of the experience of my noble Friend behind me, who has also held the office for a long period. We have the advantage of choosing out of this large assembly men of business, and accustomed on such occasions to act impartially—I might say almost judicially; and we have the power of obtaining the advice of eminent legal men to assist us. Is it not better to constitute such a tribunal, and obtain a report from it, which will be placed on this table—would not this be a more likely means of pleasing the colony, and to make the boon acceptable, than to issue a commission? I do not wish to use any harsh expressions, but I must say that I censure the haste of the noble Earl at the commencement of these transactions, as I censure his timidity now—that same timidity which induces him to give up his opinion as to the nature of the constitution that ought to be granted to the colony. I censure the vacillating policy that has characterised the noble Earl during the last five years—which has induced him to make promises that he could not fulfil, and which has created a hostile feeling in the colony towards him and his Colleagues. I should have wished the noble Earl to have acted upon the principle laid down by one of his Colleagues the other day. A naval officer having asked for a ship, the reply of the noble Earl's Colleague was, "We do not promise ships, we give them." And the officer in question got his frigate. In the same way the noble Earl should not have promised a constitution, he should have given it. I shall say nothing as to the result of the noble Earl's policy elsewhere—I shall say nothing of the discontent and almost rebellion in Van Diemen's Land—I shall say nothing of the former agitation at the Cape—but if the noble Earl is to be judged for his policy, I shall do so from the handwriting of his own subordinate agent at the Cape of Good Hope. That official describes the state of the colony four years since, and has shown that it has given rise to an anti-English feeling. Then we have the Governor General himself in his despatches lamenting the existing state of things. The colonies that are now agitated, were, when the noble Earl came into office, in a state of profound peace. In that colony there were to be found prevailing feelings of the utmost hostility against the Government, whether justly or unjustly it is not for me to say; but the question which your Lordships now have to decide is not whether you will put power into other hands, but whether you will not select from your own body men of experience—and the noble Earl of course should be one amongst the rest—to decide this much-vexed question, and from them there might be sent out to that colony a constitution which they wish for, and granted to them in such manner as they desire. Even though by so doing the Session might be prolonged a week or a fortnight—for a longer period I presume it would not be requisite—still, I say, that even if so much time were devoted to the subject, yet considering the present state of the colony, and what may be its future feelings towards this country, your Lordships' time never could be better spent than in attending to a Committee on this question, and in going through it in all its details.

LORD CRANWORTH observed, that when the noble Earl opposite brought forward this Motion to the House, he said he had not done so with any desire to embarrass the Government, or with any party object, but rather to relieve them from a difficulty; and having said so, he (Lord Cranworth) was sure he need not say he believed the noble Earl desired to take the best mode to extricate the country from its difficulties. Those difficulties might be of many descriptions. One of them, and that which he had certainly understood to have been of the most formidable character, was certain legal difficulties to which the noble Earl alluded, and which his noble and learned Friend (Lord Lyndhurst), had he been able to have spoken, might have explained to them. Those difficulties were understood to have arisen from certain legal embarrassments in which the different letters patent and Orders in Council had placed the noble Earl (Earl Grey); and though he could not but sympathise with the anxiety of his noble Friend (Earl Grey) to rise immediately after the noble Earl (the Earl of Derby) had concluded, he regretted that course had been taken, as he was very anxious to hear from his noble and learned Friend (Lord Lyndhurst) what was the ground of those legal difficulties. It might reasonably be expected that those who had attained their position in that House from their connexion with the law, should fairly, freely, and frankly state their views on a question of that description which arose in the course of their debates; and he trusted that under no circumstances, even if it were to support a party friend, would their Lordships think that he could state his view of the law differently from what he really conceived it to be. He would state what his views were, and to his noble and learned Friend opposite he would say, *Si quid novisti rectius*, let him impart it; and as he held it to be quite clear that there had been no slip made in point of law from the beginning to the end of those matters, he was anxious to know where lay the legal difficulties which had been mentioned. He did not think the noble Lord opposite (the Earl of Derby), or any noble Lord in that House, would be justified in passing over the question on account of any professional and legal difficulty in treating it, for the law was so plain as to require nothing but common sense and understanding to be applied to the question. There was no doubt, in the first place, with respect to the prerogative of the Crown in respect of a conquered province. When a country was obtained by conquest, it was perfectly well known that the Sovereign of the conquering country became absolute legislator for the conquered territory, subject to the law in the civilised country to which that Sovereign belonged. This was the law beyond dispute, and thus the case remained, till the Sovereign divested himself of that character by granting power to the dependency which interfered with his sovereign rights; and that was the question which was decided in the case of Grenada, when the question arose in the time of Lord Mansfield, whether the Crown had not deprived itself, by the grant of a legislature to the colony, of the power of levying 4½ per cent on goods exported from the island; on which occasion the law was perfectly laid down and established. He (Lord Cranworth) believed that where the Crown had absolutely granted the power of legislation to a colony, then the legislative power of the colony was the only power that could legislate for it. Let them apply that principle to the present case. By the right of conquest his late Majesty became Sovereign of the Cape of Good Hope, and became possessed of the power to legislate for it.

How had the Crown divested itself of the right to legislate since that time? It was said the Crown had done so by certain letters patent issued in 1847, in which it was thus enacted:—

> "And we do by these presents declare our will and pleasure to be, that there shall be within our said settlement, two separate Councils, that is to say, one Council to be called the Legislative Council of the colony of the Cape of Good Hope, and one other Council to be called the Executive Council of the Cape of Good Hope; and we do direct that the said Councils shall respectively be constituted in such manner as is in that behalf directed by the instructions herewith given to you, or according to such further powers, instructions, or authorities, as shall at any future time be granted to, or appointed for you, under our signet and sign manual, or by our order in our Privy Council, or by us, through one of our Principal Secretaries of State. . . . . . And we do hereby give and grant unto you, the said Sir Henry George Wakelyn Smith, full power and authority, with the advice and consent of the said Legislative Council, to make, enact, ordain, and establish laws for the order, peace, and good government of our said settlement of the Cape of Good Hope and its dependencies, but subject nevertheless to all such rules and regulations as by your said instructions we have thought fit to prescribe in that behalf, or as by any further instructions under our signet and sign manual, or by our Order in our Privy Council, or by us, through one of our Principal Secretaries of State, we shall or may think fit to prescribe."

Coincidently with these letters patent, instructions were issued to the Governor that the Legislative Council should be appointed, consisting of twelve members, of whom not more than six, nor less than four, to be nominees of the Government. But it was clear that these very letters patent declared that the Council so framed was liable to be altered by the Crown—they reserved expressly all the rights of the Crown—he could not think there should be a doubt about it. From the moment the letters patent were issued, Sir H. Smith and the Council had a legislative authority; but the Council, constituted as had been stated, was clearly subject to be altered by an Order in Council. But was that all? No. The fact was, there was no grant of a constitution at all. That was no matter of idle speculation. To the letters patent there was appended this proviso:—

> "Provided nevertheless, and we do hereby reserve to ourselves, our heirs or successors, our and their undoubted right and authority to disallow any such laws, and to make and establish from time to time, with the advice and consent of Parliament, or with the advice of our Privy Council, all such laws as may to us or them appear necessary for the order, peace, and good government of the said settlement and its depen-

dencies, as fully as if these presents had not been made."

In that state of things what were the legal difficulties? It appears that the Council was constituted, but that four refractory Members chose to resign; and, without saying whether it was wise or politic on the part of his noble Friend (Earl Grey) to accept their resignation, he would call attention to the fact, that certain other letters patent having been issued for embodying a new constitution, but which had never yet come into operation, fresh instructions were issued by an Order in Council, exactly in the mode that was provided by the original letters patent, revoking what was done, but sanctioning the constitution of the Legislative Council in a different mode. The noble Earl might not concur in all that had been done by his noble Friend (Earl Grey); but he (Lord Cranworth) conceived that his noble Friend had made a defence so able, that it did not call for any indorsement on his (Lord Cranworth's) part to add to its weight; but if their Lordships did concur in this Motion, not with the view of embarrassing the Government, but simply to assist the State out of certain legal difficulties, he (Lord Cranworth) conjured their Lordships not to do that without first settling in their minds that there were legal difficulties, and without first distinctly learning what those difficulties were. If their Lordships acted on the notion that there was no legal validity in what had been done, he believed they would be creating a difficulty the full extent of which they would find it not easy to fathom. For the last twenty-five years Orders in Council had been made, granting or altering the constitution of bodies of the same kind, and the law officers of the Crown had never dreamed they were signing anything illegal when sanctioning such documents. He had stated what he thought necessary to enable their Lordships to come to a correct conclusion, and he was confident that they would do so.

Lord LYNDHURST said, that he agreed with what had fallen from his noble and learned Friend with respect to the principles of law relating to the connexion between the Crown and its dependencies; and he believed that on a question of law his noble and learned Friend would state his views in that House with as much good faith as if he were sitting in a court of justice. When he before rose to address their Lordships, he did not intend to occupy much of their time, or to enter into the general question of policy, which had been fully stated by his noble Friend near him, but was prepared to confine himself entirely to the one question, but that a very important one, namely, the legality or illegality of the Legislative Council now existing at the Cape of Good Hope. Doubts had been entertained as to the legality of that body; and his noble Friend near him (the Earl of Derby) had called their Lordships' attention to the opinion expressed by lawyers of great eminence in their profession, of great learning, and distinguished for their knowledge of the constitution, who, after long consideration, had declared that the constitution of the Council was clearly and entirely invalid and illegal. To invalidate the authority of that statement, the noble Earl (Earl Grey) stated that the facts of the case had not been fully stated to those learned persons, and he had referred to the letters patent of 1847, portions of which he had read to their Lordships, and which he stated had not been referred to in the case submitted. Now, he (Lord Lyndhurst) was authorised by those learned persons who had given the opinion alluded to, to state, that the representation of the facts made by the noble Earl was incorrect—that they had in view the letters patent to which the noble Earl had referred—and that, after having given them their full consideration, they did not think those letters patent at all affected the opinion they had given. The task he had undertaken was simply this—not to give any opinion of his own, but to state the grounds and the reasons of the opinion which had been expressed by the learned gentlemen to whom he had referred; and he regretted he had not been allowed to perform it at an earlier period of the evening, because from physical circumstances he could have then stated the case with more effect than now. The question was one of the greatest public importance, because, if it should turn out that the constitution of the Legislative Council at the Cape was invalid, a degree of responsibility would fall on all the persons who had acted under it. Many acts had been done by that body, and large sums of money had been expended by their orders, and therefore he called on their Lordships to consider most narrowly and anxiously the question before them. It was briefly this:—The Cape of Good Hope was a conquered colony. The Crown, therefore, had power to make laws for it. After a certain time, and in consequence of the increase of the European population, it was considered prudent to give the colony a legislature, and a legislative power was given to them by the name of the Legislative Council. If they looked to the constitution of that body, they would find it consisted of two parts. It was constituted of not more than twelve nor less than ten members, six of whom were to be official persons dependent on the Crown, the remainder to consist of persons representing the inhabitants of the colony, and who were placed in the Council to form a check on that part of it nominated by the Crown, thus being a popular element in the body. It was evident that these persons had been so considered by the officers of the Government at the Cape, for when they came to discuss the propriety of extending or contracting the free element, they regarded it as an element to check the nominees and officers of the Crown. Thus the legislative body consisted of two parts, one arbitrary, the other intended to be a check on that arbitrary part, and representing the inhabitants. It had been stated that the Crown having once made a grant of the kind could not alter it, and that by the act of granting a legislature, the Crown parted with all its authority. His noble and learned Friend had referred to the well-known case of Grenada, and he would also refer to it, and their Lordships would see what he inferred from it, and why the learned gentlemen who had given these opinions dissented from the conclusions which had been drawn by the noble Lord opposite. In that case there had also been a conquest of the colony—the Crown gave a promise to confer a legislative authority on the colony, and issued a proclamation in October, 1763, which authorised the assembling of a Council in the colony whenever its circumstances admitted of its meeting. The Council did not actually meet till the end of the following year, and in the meantime the Crown issued letters patent, legislating for the colony; but it was held this legislation was invalid, because the Crown had not reserved to itself any power of legislation, as it was said to have reserved in the present case, and to which he would presently refer. The Crown by appointing a legislative body had parted entirely with the legislative power it before had. That case was decided in the time of Lord Mansfield—that great and distinguished jurist and statesman; and many observations besides those which referred to the main point in issue, in the course of the discussion, had been brought under notice on the three several occasions when the case was argued by the most learned persons of the day, wherein the range of the power of the Crown, and of the relations between it and the inhabitants of its Colonies, was raised, sifted, and discussed most minutely, and when a most deliberate judgment was pronounced by the eminent Judge who presided. Lord Mansfield, in the course of that judgment, said, in terms that could not be misunderstood, that if such an element of freedom as was contained in a Legislative Assembly was conferred by the Crown on a colony, the Crown had no power to revoke the grant. That was the first matter to which he (Lord Lyndhurst) wished to call attention. But his noble and learned Friend opposite had referred to some general words contained in the instructions, as they were contained in all similar instructions, and said the constitution of the legislative body was to be framed according to the instructions creating the constitution, and by the words to which he alluded. They were to have a reasonable construction. But in the case of Grenada there were precisely the same words; there was the same power given; and what said Lord Mansfield? He said, that "if there be a popular right given to an Assembly, or to any part of the Legislature, if the Crown once parted with the legislative power, notwithstanding those general words, that grant could not be rescinded or recalled by the Crown." The Crown might remodel the other parts of the Legislature, might recall the Governor, displace the members of the Executive Council, but had no power over that branch of the constitution which represented in any way the popular element. That was an authority of the gravest kind; the same general words were used; the case would be found reported among the *State Trials;* the commission corresponded with this. Could these general words be interpreted as the noble and learned Lord contended? What! that the Crown should grant a free constitution to-day, rescind it to-morrow, regrant it again the next day, and so from time to come, according to the caprice and whim of successive Governments. It was extravagant and absurd; and, as far as related to that clause, upon which the noble and learned Lord placed so much reliance, the reliance was not justified. But supposing there were any real justice in this point; what was the case afterwards? Letters-patent were issued declaring that the Legislative Council, so constituted, should continue to legislate for the colony until the writs for the election of Members under the intended new constitution should be issued. Supposing the Crown could have exercised that power, here was an absolute grant that this Legislative Council should be continued in the form it then took, until a future period; here was an absolute grant of legislative power for that time: there was no qualification, no reservation, no restriction, but an absolute and entire grant for that time. Now, when the Crown granted a franchise or liberties of any description, whether to the inhabitants of a district or of a colony, the grant was irrevocable; it could only be put an end to by surrender, by Act of Parliament, or by forfeiture established by proceedings in a court of justice, and there was neither of these here. That grant, then, of May, 1850, by which the then Legislative Council was to continue for the period pointed out in the letters-patent, and not yet expired, whatever construction might be put upon other clauses of the commission, deprived the Crown of the right of interfering till the arrival of the period referred to. But the noble and learned Lord said, that there was a reservation of certain powers to the Crown. When there was a reservation of this description, the power could not be extended beyond the nature of the reservation. What was the reservation here? Why, it gave a concurrent power of legislating. It did not import that the Crown might rescind the Acts of the Legislative Council; the words did not go to that extent, nor would they admit of it. The manner in which the power was to be exercised was pointed out in the reservation—by the Privy Council or by Parliament. But, there was nothing of the kind here, nothing but instructions under the sign manual. [The noble Lord was here inaudible, but was understood to say to the effect that these instructions virtually deprived the colony of the rights which had been conceded to it by the grant of a Legislative Assembly.] Instead of a Council having a popular element in it, the popular element was taken away; instead of consisting of ten persons at least, the Council might consist only of six, and those six be all official men. A free Legislature was turned into an arbitrary one. He (Lord Lyndhurst) had stated the reasons upon which the opinion was founded, and he submitted them to the consideration of the House. But to refer to another point; could it be said that this was not a doubtful case when such eminent men had given these opinions? And supposing it went out to the colony as a doubtful case, in what a situation of perplexity would that colony be placed; what difficulties the Government would have to struggle with! When the question was considered whether the Governor was authorised to legislate with a reduced Council, the noble Earl said that if it were a matter of doubt, it would be impossible, consistently with policy, to put that Legislature in motion. Could any man say that this was not a doubtful and difficult question, which ought to be in some way settled and got rid of? He (Lord Lyndhurst) hoped he had stated the case fairly. He was desirous of plainly exposing the grounds of these opinions. With regard to policy, he wished to say nothing himself, but he would cite the authorities at the Cape, and not factious parties, but high officials. A just compliment had been passed upon the talents and attainments of the Attorney General of the colony. The compliment was well deserved, for he was a man of intelligence, of great experience and knowledge. That gentleman (Mr. Porter) told the Government, "It is impossible for us to go back. We have had a popular element in our constitution." He considered the propriety of extending it. He said that people would always be jealous of a Legislative Council nominated by the Governor, though part of it might consist of official persons and part of independent persons in the colony, and then he said, with a kind of sneer, "There are some sagacious persons that suggest as the best course to be pursued, that we should get rid of the popular part altogether, and that the Government should consist only of official persons." He never would have said this with that sneer if he could have anticipated the course that would afterward be pursued by the noble Earl. But was that the only opinion which had been expressed on the subject? There was a gentleman with whom he had been acquainted, but who was now unhappily no more—a man of great experience and intelligence, and who had filled the station of Chief Justice of the colony. What did Judge Menzies say on the subject? He said, that no wise and enlightened statesman could possibly have recourse to such a measure. It would cause the greatest dissatisfaction and discontent in the colony. The Chief Justice said it was impossible to retrograde in legislation. A Legislative Council, consisting only of official persons, would inspire such odium, not to say disgust, that no Government could stand against it. Such was the opinion of men of high station and great talent, and long experience, desirous of supporting the Government, but yet condemning unanimously and in the strongest terms the policy pursued by the noble Earl. What course ought now to be pursued? The noble Earl, with the assistance of some friends of his in the Privy Council, a pocket Privy Council, not the regular Members of the Board of Trade and Plantations, prepared the outline of a constitution, and he had done all that he could do to fill up the details without being upon the spot. He had, however, filled up the details to a certain point. The gallant Officer at the head of the Government in the colony had turned the Council into a sort of Commission, and the noble Earl had now gotten a complete picture of a constitution in his own hands. The noble Earl had gotten opinions, too, from other quarters; he was in possession of everything which was necessary to complete his work. Why should not he let measures be taken immediately for completing it? He would never have a better opportunity of framing a constitution adapted to the colony. Why this delay, keeping the colony in a state of fever and ferment? It was said, that while a war was raging on the frontier, this was not a proper time. Be it so; though he (Lord Lyndhurst) had his opinion upon that. What was done in the Grenada case? Why not send out the constitution to be proclaimed as soon as the circumstances admitted? It was to this constitution, these institutions, the people were aspiring. This simple course would restore peace and tranquillity. Then the noble Earl would be able, with self-gratulation, to repeat those beautiful lines, so often quoted, but never with more effect than by his distinguished Parent on a memorable occasion—

> "—— quorum simul alba nautis
> Stella refulsit,
> Defluit saxis agitatus humor;
> Concidunt venti, fugiuntque nubes,
> Et minax (quod sic voluere) ponto
> Unda recumbit."

Lord Lyndhurst

The LORD CHANCELLOR expressed his regret at being obliged to differ in opinion from his noble and learned Friend, and he had never done so without the same feeling. His noble and learned Friend had always displayed great ability and eloquence upon all occasions; but he had shown more than his usual ability on the present occasion. Their Lordships might have observed how cautiously his noble and learned Friend had avoided stating his own opinions on the question. His noble and learned Friend, in the course of his speech, had let fall something like a personal opinion, but he had immediately corrected himself and explained the opinion. For his part, he did not believe that his noble and learned Friend could entertain a serious doubt on the question which had been raised; in fact, no lawyer to whom he had spoken on the matter, had a second opinion about it. His noble and learned Friend had referred to the opinion of Lord Mansfield, in Campbell *v.* Hall in the *State Trials.* Not knowing what turn the debate might take, he had brought down the 20th vol. of the *State Trials;* but that case was as different as possible from this. There was no such reservation as in the present case, and the absence of that reservation was remarked upon by Lord Mansfield. [At the request of Lord LYNDHURST, the judgment of Lord Mansfield was here read at length by the Earl of DERBY.] His Lordship then proceeded to observe, that as the judgment of Lord Mansfield on the case was not long, their Lordships perhaps would permit him to refer to it. The question which was then at issue was, whether the Crown had the power to levy, in Grenada, a duty of 4½ per cent on imports. It appeared that by letters patent, dated in 1764, the King had precluded himself from the exercise of legislative authority in the island of Grenada. The first instrument had been a proclamation—not a commission. What was it the King then said? Why, that for the better security of the liberty and property of the inhabitants of the island of Grenada, he had commissioned his Governor to call an Assembly to enact laws, &c., after the same manner as in the other island. By that means a complete and perfect constitution was given, leaving nothing to be done but to assemble the Parliament. Grenada had received a constitution similar to that of the other islands. The judgment went on to state, that it was done in order to put liberty and property under a legislative assembly, as a safer sort of guard than a council only. In the proclamation which had been here made, there was no reservation whatsoever of any powers to be exercised by the Governor until the Legislature should be formed. There was no reservation of powers for the King to legislate in the mean time, before the writs were issued. No Assembly, however, had been called until the end of 1765, and then the proclamation before alluded to was followed by another, calling upon all persons to go and reside in that colony; and thereby it was shown that the colony was not under the power of the Crown, but its own legislature. So much for that case. Now, of the Cape colony, in 1847 the Crown having full power to legislate for the colony, issued letters patent directing the Governor to form Councils. Was that a grant to the colony? No; it was a mere authority from the Crown to its officers to exercise the power of the Crown to legislate, an authority capable of being revoked or recalled at any time. It was altogether different from a grant of a constitution to a colony; it was the Crown exercising its prerogative through officers appointed by itself. Such documents were always revocable by the Crown at all times. They were entirely foreign to the nature of a proclamation. His noble and learned Friend had said, that free elements had been introduced under those documents; but the Governor could suspend any of those elements. The letters patent simply announced to the Governor, that he was to form a Council according to instructions from time to time; the form of Council was not dictated, the number not prescribed, but the power was reserved, from time to time, to model the Council. The letters patent did no more than state that there should be a Council according to instructions from time to time to be given. At the present moment the colony was governed under the authority of the Crown by letters patent, revocable at any time. He would proceed to consider whether the Crown had parted with any of its powers. It appeared that in 1850, new letters patent were issued, which, after reciting the former letters patent, and referring expressly to the power reserved to the Crown to alter from time to time the terms of the letters patent, proceeded to declare that a Parliament should be held in the colony, consisting of the Governor and Commander-in-Chief, and a Legislative Council; and which Council should consist of such persons as should be elected in such manner and form, and under such terms and regulations, as should be prescribed by an ordinance for that purpose passed by and with the advice and consent of the present Legislative Council. They then went on to provide that the Governor should have the power of suspending any ordinances until they had been confirmed by the Crown; and proceeded to state that the Crown reserved to itself full power and authority to alter such ordinances as might be passed by the Governor and Legislative Council. Here then was a declaration by the Crown, first that there should be a Parliament; in other words, a constitutional Government in the Cape of Good Hope—that that Government should be according to the form thereafter to be settled by the Legislative Council, such settlement to be subject to the approbation of the Crown. These letters patent, therefore, amounted simply to a promise that a Parliament should be thereafter given to the Cape of Good Hope, in the meantime reserving every power of legislation which the Crown then possessed. He had purposely emphasized the words "with the advice and consent of the present Legislative Council," because some observations had been made upon that point. Would any lawyer contend that the word "present" meant anything more than to refer to the Council according to its then constitutional form and vigour? They only meant the Council constituted under the Crown, in contrast with the Council which was afterwards to be established. There was not a pretence for giving it any other signification. No lawyer would maintain that the word "present" meant identically the same Council. But suppose it did? Prior to the letters patent of 1850, the Council consisted of six members and the Governor, and no more. In July the Governor made an offer to the colonists that four more persons should be appointed to the Council, to be recommended by them (the colonists) in a certain manner. Four persons were recommended accordingly in September, the letters patent being dated in May, when the Council consisted of six only. But although the Council had been increased by four members, still no alteration was made in its constitution. The Council existed as before, although four gentlemen had been nominated to it. Those four gentlemen afterwards resigned, and left the Council in the same state in which it existed when the letters patent were passed. But even if there were any meaning in the argument as to the purport of the words "present Council," still it failed to be of any value, because the facts did not allow of its being used with any effect. Suppose these letters patent granted an interest instead of a mere authority. Suppose, for instance, it were a charter to form a corporation, the council of which was to consist of ten, and that the majority should have the power of exercising the authority under the charter, what would be the effect if four of those ten members should retire? Suppose the charter to give the majority a power, and a case of exigency occurred requiring them to perform some corporate act, would six members of that corporation be competent or not to exercise the powers conferred by that charter? What he desired was, that those who considered this point should bear in mind that these letters patent were not a charter prescribing the number of twenty or of ten as essential to the constitution of a legal council; but that those letters patent were merely a letter of instructions perfectly distinct from a charter. It was a document which, while it prescribed ten members for the Council, did so subject to a power reserved to the Crown of altering it from time to time according to its discretion. He would now refer to the opinion that had been quoted. The learned counsel said—

> "It is clearly established that by the law of England a legislative constitution once granted by the Crown to a colony is irrevocable, except by the authority of the Imperial Parliament, or by the act of the local Legislature, with the consent of the Crown."

Agreed: there was no doubt of it; but show that that had been done in this case; don't assume it. They then came to the question, whether the Crown had reserved to itself a power of revocation. No lawyer would say, that the grant made by the Crown, with the power of revocation, was not revocable. Besides, the prerogatives of the Crown could never be taken away but by express words. The prerogatives of the Crown were for the interest of the public, therefore it was declared that the Crown should never be deprived of its prerogatives but by express words—never by intendment, by refined argument, or by construction merely. He contended that the only grant made to the colony by the Crown was the grant of powers for forming the future constitution, which had not yet been settled and matured; and which was not yet capable of being used for any purpose. Now, the question was, whether in the meanwhile the Crown had parted with its legislative power? He contended that, in express words, the Crown had reserved to itself that power, and that there was nothing to be found in the documents before their Lordships which could be suggested as the foundation of a reasonable doubt on the subject. He believed the Council was perfectly competent to act with its six members, or any number of which six should form the majority of the original ten, independently of the Crown having reserved to itself the power of altering the constitution of the Council from time to time. He could not help thinking that the noble Earl who had introduced this Motion had been taken by surprise. The publication of the opinion which had been referred to in the course of the debate, had no doubt excited the noble Earl's attention, and thus he had been led to the conclusion that there had been some mistake committed by the Government in point of law. He (the Lord Chancellor) was strongly impressed with the opinion that the Motion was originally conceived under that idea. It seemed, however, in the course of the noble Earl's speech, that the noble Earl felt some misgiving as to the ground on which the Motion was first suggested to him; he therefore gave his argument another shape, and directed it against the general policy of the noble Earl at the head of the Colonial Department. There being no legal or constitutional reason for denying the legislative authority of the Crown in this matter, the question was, whether there was any other ground on which this Motion could be granted. The noble Earl had said, he had no party object in bringing forward this Motion, but that his desire was to assist the Government in getting over the difficulties attending the subject, and that he was not actuated in the slightest degree by any hostile spirit towards the noble Earl at the head of the Colonial Department. Still the noble Earl (the Earl of Derby) had gone through, very minutely, every act of his noble Friend; and their Lordships had heard that the late Secretary of the Colonies differed entirely from the present in the wisdom and policy of all the measures which the latter noble Earl had adopted. Well, suppose the Motion to be granted; what was the Committee to do? Was it to frame a Bill, or to settle the question of law? Had their Lordships anything to lay before the Committee—any witnesses to examine; any facts to bring forward? What was it that had been stated as the grounds of the case into which they were to inquire? He again asked, was the Committee to frame a Bill? The Crown at the present moment had the prerogative to legislate for the colony of the Cape of Good Hope. Parliament would not interfere with that prerogative without having strong grounds for doing so. He did not deny the power of the House to so interfere. That was quite another thing; but every one looked to Parliament to exercise its authority in a constitutional mode, and that it would not interfere, except on the strongest grounds, with rights which were of the greatest importance. Although no party motive might have suggested the Motion, still, he would ask whether the effect of it would not be felt? A vote of that House held too high a place in every part of the Queen's dominions not to have great power and influence. A vote of the House of Lords never could, without some strange alteration, fail to command vast respect and confidence; and, in proportion as such a vote possessed that respect, so in proportion would it weaken the hands of the Government at a moment like this. But, suppose the Committee appointed, what could they do? Why, said the noble Lord, "Give the colony a constitution." Well, suppose the noble Earl the Secretary for the Colonies sent out a constitution, how would it be met? Having previously said that the constitution should pass under the review of the Legislative Council in the colony itself, would not the sending out of a constitution which was to be adopted without that previous revision, excite feelings of animosity, and give rise to numberless objections? It certainly was not unreasonable, therefore, that his noble Friend (Earl Grey) should choose to go on and render the constitution to the colony in that mode in which the Crown had already said it should be granted. His noble Friend said that when they had held out a promise to the colony, let it be performed in letter and in spirit; and do not, while advising the Crown to adhere to the letter, run altogether away from the spirit of the promise by adopting a totally different constitution. He (the Lord Chancellor), therefore, could not but feel that though the object of the Motion might not be, yet the effect of it, if carried, would undoubtedly be, one of party triumph, of great embarrassment to the Government, and the occasion of strong feelings of animosity in the colony against the local Government, by which additional excitement would be given to that tumultuous spirit which had been already too much exhibited, and which it should be the object of every one to allay. Therefore, he trusted, since there had not been a shadow of ground shown why a Committee should be appointed, and since there was nothing to submit to the Committee, that their Lordships would not adopt the Motion of the noble Earl. If their Lordships chose to legislate, let them do it, but do not adopt a form of proceeding which meant nothing but the expression of a general disapprobation of the conduct and policy of the Government.

The Duke of ARGYLL did not believe this Motion had been brought forward in a party spirit, and for this reason—he held that no public man who had gone through these papers could fail to rise from them without the deepest pain at the distracted state of that colony, and a feeling of the deepest responsibility incurred by the vote of this night—a vote which must tend, one way or the other, to maintain or to derogate from the authority of the Imperial Crown. He felt unable to vote for the Motion of the noble Earl, for the reasons he would state. In the first place, this was one of those Motions which had in itself no absolute meaning. Its meaning was entirely derived from the circumstances under which it was brought forward, and more or less from the parties by whom it was supported. To a certain extent also it must derive its character from the observations with which it was introduced. He must confess, that having read the papers with the greatest attention, he must say that the narrative given by the noble Earl (the Earl of Derby) seemed most faithful; but although the noble Earl did not put forward the Motion as one intended to convey any vote of censure on the Government—although he said he wished to consider the question on its own merits alone, yet he must beg the House to recollect that the noble Lord who spoke third or fourth in the debate, did not fail to declare that the vote to which he was about to come was a vote of censure on the whole policy of the noble Earl the Secretary for the Colonies. That idea, he conceived, would be the idea which would be attached to the Motion in the minds of others, and would necessarily attach in the colony to which the Motion referred. Not only did he object to the Motion of censure with reference to the affairs of the Cape, on the ground that such a vote was hardly sufficiently deserved, but he most distinctly declared his opinion that, with the one exception of the convict case, about which some mistake had been made, but afterwards corrected, the conduct of the noble Earl towards the colonists at the Cape had been marked by the most liberal spirit. He did not concur in the declaration that the noble Lord had been too precipitate in introducing representative government to the colonists. As to the mode of introducing that constitution, it was a question whether the censure did not really apply only to those who opposed the noble Lord's policy. With regard to the proposed constitution itself, he certainly did not approve of the proposal to make the Upper House an elective body—it was no doubt a bold step to throw open both Houses of Legislature to popular election—but on this ground alone he did not consider their Lordships would be justified in coming to a vote which would imply want of confidence in Government as to the whole question. Then with regard to the failure of the mode of carrying it into effect. At the time the letters patent were sent out, the Legislative Council did not properly exist. Now in what spirit did Sir H. Smith act towards the Cape colonists? He published a notice in the *Government Gazette*, requesting the various municipalities of the colony to indicate to him those gentlemen whom they thought best suited to fill the vacant seats. This was acting in a most liberal and conciliatory spirit; and he would ask their Lordships to observe the manner in which that liberality was met on the part of the colonists. Sir H. Smith did not bind himself to take those men who were at the head of the poll, but reserved to himself a discretion in the matter. In consequence of that notice, certain gentlemen were returned, out of whom Sir H. Smith selected four. On the first day on which the Council met, one of these gentlemen—one of those who had come over to this country to represent the grievances of the colonists (Sir A. Stockenstrom)—dared to address the Representative of the Crown thus:—

> "I do not intend to sit here in any other capacity than as the representative of the people, although I have, as a matter of form, accepted a document in which it is said you appointed me."

The Duke of Argyll

Could anything be more discreditable or ungrateful? He could not help expressing his regret that Sir H. Smith, an able and active officer, should have suffered such language in his presence, he being the representative of the Sovereign, and still more, that afterwards, when the same gentlemen objected to the return of one of his Colleagues on the Council (a matter over which the Members of the Council had no control whatever), the Governor should have assented to his Motion for an inquiry into the question. These four gentlemen, however, had banded together to defeat the operation of the constitution, and had resigned with that view. But for their conduct, the constitution would now be in full operation; and no one could deny that their conduct had been (he hoped they did not represent the colonists) most factious and disgraceful. It was plain, however, that the Governor had done wrong in receiving their resignations, and that it had not occurred to the noble Earl (Earl Grey) to refuse to receive them. The question then arose whether it was competent for the Crown to issue new instructions creating a fresh Council. This was a legal question, perhaps; but certainly to a non-legal mind there could be no doubt that the course taken was justified, since the original instructions referred expressly to "future instructions." He contended, however, that, though if illegality were clearly proved, legislation would be requisite, it was for those who alleged it to prove it; and that, as the illegality had not been proved, the interposition of Parliament was not called for. He believed that the intervention of Parliament, on the ground that the act of the Secretary of State had been illegal, would have a most disastrous effect on the minds of the colonists, who had already been encouraged to consider themselves able to defeat the authority of the Crown. Had the question been proposed for the consideration of Parliament at an earlier period of the Session, he might have been disposed to entertain it. But at this time of the Session, was it possible to do so? Sir H. Smith declared that if the present letters patent were withdrawn, and a new constitution framed, it would be disastrous to make it like the present one, and particularly deprecated an elective Upper House. But their Lordships were asked at that late period to go into the question, and to make up their minds as to what constitution the colony was to have. It must be recollected there were great difference of opinion as to whether the Upper House should be elected or nominated. He should feel some difficulty in voting for an elective Upper Chamber, and as others would entertain different views, there was a possibility of not arriving at a conclusion for at least three months. Looking at the statements in the despatches—looking at the difficulty of voting a constitution while war was raging in the colony, and feeling that no practical good could result from the proceeding, but that it would invalidate and impair the authority of the Crown, already too much impaired, he was not prepared to come to a vote which promised no immediate advantage.

LORD WHARNCLIFFE said, he felt all the difficulties urged by the noble Duke. He confessed, for his own part, that the terms of the Motion itself would have deterred him from supporting it. It appeared to him, apart from the noble Earl's (the Earl of Derby's) explanation, that the only meaning of the Motion must be to constitute a tribunal before which all the transactions of the last two years should be discussed; and a more prejudicial course for the peace of the colony he could not conceive. The noble Earl (Earl Grey) might have been wrong in some points, though his noble Friend (the Earl of Derby) had impeached his conduct as little as possible; but there had been also faults on the part of the colonists, and it was not worth while to re-open and renew all these envenomed controversies; the only question worth a moment's consideration now was, how we could best preserve the peace of the colony for the future. He felt the difficulty, on the other hand, of voting for the noble Earl at the head of the Colonial Department; for the noble Earl had not given those most disposed to aid him in the pacification of the colony such assurances as they had a right to expect as to the mode in which the Government were likely to deal with this question. The great object was the fulfilment, and speedy fulfilment, of the pledges or promises made to the colonists of liberal institutions. Now, there was nothing in the speech of the noble Secretary for the Colonies to satisfy their Lordships that this consummation was likely to be brought about very soon. The noble Earl (Earl Grey) had great advantages for the settlement of the question: he had before him opinions from all classes in the colony; and he had the assurances of the colonists that they would accept such a form of constitution as might be presented by the Government in fair fulfilment of their promises, being, in fact, the very plan which their own law officer had drawn up. Did the noble Earl, however, say that he was occupied in giving effect to such a constitution? Did the noble Earl state that within some short or reasonable time the Government would redeem their promises? No. All that the noble Earl said was, that the Government had not forgotten their promises, and were determined to give the colony free institutions as soon as they could, that is to say, as soon as they chose; at their own time and in their own way. Now, their Lordships were entitled to expect something more than such mere vague assurances as those. The noble Earl objected to legislation on the subject. There might be difficulties in the way of legislation; but he was not satisfied that they were insuperable; and sure he was that, if no other course could be taken under all the circumstances, considering the expectations raised and the declarations made, even at this period of the Session it would be wiser to attempt to settle the question by legislation, than to allow it to rankle on for another year with consequences doubtless more serious still. If the noble Earl objected to legislation, he ought at least to have stated what other course he meant to pursue. At the same time he did not see sufficient reason to believe that the noble Earl's course hitherto, however it might have been impolitic, had been illegal. As to settling the question by means of a Committee, he believed that course was not merely impolitic, but impracticable. In conclusion, he would say that the noble Earl (Earl Grey) should take an opportunity of giving to Parliament, who naturally felt no small interest upon this question, and to those who took a still deeper interest in it, the inhabitants of the colony—he should give all those parties every assurance in his power, that the Government had this question not only in their consideration, but that they were going into it in a spirit of determination to arrive, without loss of time, at a result that would be satisfactory to the colonies.

EARL GREY said, he must have expressed himself extremely imperfectly, if their Lordships understood what fell from him as to the future intention of Her Majesty's Government in the same sense as the noble Lord who had just sat down. The noble Lord said, that all he (Earl Grey) had stated with reference to the future intention of Government was, that they would, at their own time, and in their own way, but apparently not with any very great haste, proceed to bring into operation the legislation which was originally designed. Now, what he said was very much the reverse. He said, that he thought, after what had been done, and after the issue of those letters patent, that it was absolutely necessary that the form of constitution which was therein sketched out should be brought into operation at the very earliest possible period; and further, that he thought the diminished Council, acting under the instructions of May last, could only act for the purpose of transacting that necessary business which in the present state of the colony must be absolutely indispensable; that it was required to place some legislative authority within the reach of the Government; and, further, that entertaining these views, the course contemplated by Government was this: while they agreed as to the necessity of bringing the constitution into early operation, they thought that, in order to maintain the authority of the Crown, it ought to be accomplished in the mode originally proposed, that the letters patent should not be revoked, and that the ordinances should be passed by the Legislative Council at the Cape. He (Earl Grey) was not certain, under the present circumstances of the Cape, so different from those originally contemplated, but Sir Harry Smith had a right to expect that, with the full information now before them, Government should take upon themselves the responsibility of deciding upon the details of the constitution, which were left by the letters patent of 1850 to be filled up. He stated further, that he saw no difficulty, with the information now before them, in preparing draft ordinances to be passed at the Cape, which he hoped speedily to transmit to that colony; that the Governor, with these draft ordinances, would be relieved from the real responsibility of deciding on the matter; and that under these circumstances the Council of eight would find no difficulty in getting two additional members to give the Governor technical and formal power for the purpose of passing the ordinances. That was the course which Sir Harry Smith had been informed would be pursued, and as rapidly as the draft ordinance could be prepared, it would be transmitted to the Cape.

The Duke of NEWCASTLE said, he had always felt convinced that the only way of settling this question was, by the Legislature of this country. He had come down fully prepared to state at length his opinion on this subject, but at that late period of the evening, and after the question had been so fully debated, he felt it would be wrong to do so. Nothing, however, which had occurred during the debate, had altered his opinion that legislation was the best, if not the only means of settling this important and now pressing question. He had been disappointed by the statement which had just been made by the noble Lord the Secretary for the Colonies. If the noble Lord could have given an assurance that by Orders in Council we could now send out to the colony not merely draft ordinances, but a constitution, then he would admit that it would be better that it should be left in the hands of the Executive Government, than that it should be taken up by a Committee of either House of Parliament. But he thought the plan which the noble Earl had explained, although somewhat different from what he understood him to state in his first speech, would merely be throwing another apple of discord into the colony, and at the commencement of next Session he greatly feared it would be found that the constitution was no further advanced, and that the feelings of the people were more rancorous than they had hitherto been. He was not sure that he would have risen at all at that late hour, but for some anxiety which he entertained as to the objects and intention of the Motion before their Lordships. It was a point which had been referred to by the noble Duke on his right (the Duke of Argyll), and his noble Friend on the cross benches. One noble Lord especially gave a character to the Motion, which it certainly did not admit of from the speech of the noble Lord in introducing it, or from the words of the Motion itself; but he (the Duke of Newcastle) was anxious to hear from the noble Earl (the Earl of Derby) some explanation of the course he intended to pursue, if the House should grant the Committee which he asked. He understood that the Committee was not for the purpose of reopening every question which had hitherto been agitated and debated in connexion with this subject. He understood the Motion to be solely for a Select Committee to give counsel to the Government, and to assist in framing a Bill which should be introduced, in the hope that it might pass without further debate, after being so submitted to a Committee. One noble Earl supported the Motion upon totally different grounds, and, in what he (the Duke of Newcastle) considered a strictly party speech, said he should support the Motion as a vote of censure upon the Government. He did not intend to be drawn into giving a vote of a party character upon this occasion. He desired no vote of censure upon the Government. He desired nothing but legislation upon this subject, with a view to a settlement of the differences in the colony; and if he gave a vote for the Motion, it must be upon that sole ground. He (the Duke of Newcastle's) opinion, that legislation was the only safe and speedy mode of settling the question, was based upon the two grounds of law and policy. He would not be so presumptuous as to enter into any question of law, or to say whether his noble Friend (Lord Lyndhurst) or the noble Lord on the woolsack was right upon this question. But this he had a right to say, that when two men of such eminence differed so completely as to whether the steps recently taken by Government were valid in law or not—when, moreover, the law officers of the Crown took one view, and men like Sir Fitzroy Kelly, Mr. Walpole, and Mr. Kenyon, took another and totally opposite view, there was at any rate a grave doubt as to the validity of what Government had done; and it would be imprudent and all but suicidal to allow such a doubt to remain without some inquiry being made into the subject, otherwise every encouragement would be given to the inhabitants of the Cape to dispute the validity of the acts of the Legislature. But upon the ground of policy, legislation was the only safe way to settle this question. He had the assurance, not merely from the Commissioners in the colony, but of the Governor himself, who was well acquainted with the country and the persons there, that he believed it would be impossible to settle the matter in any other way; he stated, in as strong a manner as he could, that this question must be settled in England. He said it would be impossible to revive the Legislative Council, and that any attempt to do so would only expose the Government to fresh and aggravated defeats. Upon these grounds he came to the conclusion that we ought to legislate. The noble Lord the Secretary of State for the Colonies opposed the proposition, however, because he thought it most objectionable to give the people, who had been carrying on, as he said, a factious opposition to the Government of the country, a party triumph. He (the Duke of Newcastle) concurred in this as a general proposition; but he believed the course proposed would have quite the opposite effect. There was now complete submission on the part of those people; and the noble Earl (Earl Grey) would most effectually attain his object, that of preventing a party triumph, by agreeing to the course suggested by the noble Earl (the Earl of Derby). But the noble Earl said—"If you want legislation upon the subject, move for an address to the Crown, beseeching Her Majesty to introduce a measure upon the subject." But they had the Bill drawn out to their hands, and submitted to them in the blue book laid upon the table by the noble Lord himself, in the same way that they were frequently submitted to Committees; and he thought the peculiar circumstances in which the Government was placed rendered this form of introducing legislation certainly justifiable, if not desirable. The Government was placed in this position, that, being obliged to submit to constant defeats in the other House of Parliament upon different questions of importance, it had not that efficient control either to prevent or to enforce legislation which under other circumstances would exist, and which no doubt was most desirable. If it was necessary that there should be legislation upon so important a point, the Executive ought to take the initiative. It was far best that legislation should emanate from individuals in authority; but if this is not to be, then it is better that it should be brought forward under the sanction of a Committee, than as a Bill introduced by the noble Lord, who stood in that House as the leader of a large party in opposition, or by any independent Member of the House. He could not but fear that the effect of the letters patent of May 13 would be exceedingly serious in the colony, as their effect was for the present to withdraw, if not indefinitely to postpone, the constitution promised to the colony. But if their Lordships that night came to a decision to legislate not in a party spirit, but to carry into effect that measure which our own Government and our own Attorney General in the colony had sanctioned and affirmed, and resolved to send out by the next mail a message of peace to the colony, tranquillity might be restored; but if they did not do so, the system of agitation which had hitherto been pursued at the Cape of Good Hope might not only go on, but the state of the colony might become still more embarrassing, and probably the next time they discussed this question they might have to do it with a smaller number of colonists, reduced by secession to other lands—but amongst whom there would be a spirit of animosity and bitterness of feeling which it would not be easy to allay by any mode of legislation which we should then be able to adopt.

The EARL of DERBY, in reply, said he did not know upon what grounds it had been asserted that his opinions had changed since he first gave notice of this Motion. No change whatever had taken place in his opinions. As to the mode in which the noble and learned Lord on the woolsack had answered the argument of his noble and learned Friend (Lord Lyndhurst), it was a mere play upon words, which they might have expected to have heard fall from some junior member of the lower branch of the profession to which the noble Lord belonged, but not from any one occupying the eminent position of the noble Lord. He should leave the noble Lord and the noble Earl opposite (Earl Grey) to reconcile their views of the powers of the Council—the one declaring that it was perfectly legal, and capable of performing all acts whatever; the other declaring that even in a technical point of view, in a strictly legal sense, the Council was not valid—not the then present Council. But it was not upon the legal question that he rested the Motion for a Committee. He did not come there as the advocate of any one party in the colony, popular or unpopular, for or against the Government. He had that evening expressed a very strong opinion on the factious course of the four Members who seceded from the Council. But he came forward because he felt that it was important that the colony should not be left to the anarchy and confusion it presented at this moment. He came forward because he thought no authority short of that of the Parliament could give a satisfactory settlement of existing disputes. He came forward because the Governor entreated that the matter might not be referred back to him, but that some authority in this country should settle that vexed question, the constitution of the colony. He came forward because the noble Lord (Earl Grey) had not intimated any intention by the authority of the Crown of supplying that which was necessary, the

The Duke of Newcastle

enactment of a constitution for the colony. He came forward because he thought the course now adopted was full of peril; because the Government told them that the reconstruction of the Legislative Assembly was a matter of all but impossibility; and he came forward because for nearly two years the whole affairs of the colony had been directed by a body of at least doubtful legality, and because, therefore, the very source from which the constitution would issue in the colony, would not be looked upon as competent to legislate on so important a question. With reference to what had fallen from the noble Duke (the Duke of Newcastle), he must say, that he asked their Lordships to refer the papers to a Select Committee with a view to immediate practical legislation, because in those papers were to be found all the materials for submitting a new measure without delay to Parliament—a measure framed to their hands. He thought a few days would enable the Select Committee to lay before their Lordships a report, recommending the adoption of such a Bill; and he was far from thinking that either in this or in the other House of Parliament, in the present position of the colony, there would be any disposition on the part of any human being to look at this question in a party point of view, or to cause vexatious delay. On the contrary, he believed that, in Parliament and in the colony, the Bill would be received with that respect and attention to which it would be well entitled from the names inserted on that Committee, and he believed no constitution emanating from any inferior authority would meet with ready approval. He did not think that it would have been necessary again to disclaim any wish to obtain a party triumph. He did not intend this Motion to involve any censure on the Government, or on the noble Earl (Earl Grey), but, *bonâ fide*, to give the Government, as he had already said, the cordial co-operation of Parliament in carrying out those views which he presumed the Government entertained for the benefit of the colony. He believed legislation was indispensable; he believed that immediate legislation was most desirable; and he knew no manner in which it could be better adopted than upon the report of a Select Committee, such as that which he proposed.

On Question,

House divided:—Content 68; Not Content 74: Majority 6.

List of the Not Content.

ARCHBISHOP.

Dublin.

DUKES.

Argyll

Norfolk

MARQUESSES.

Breadalbane

Clanricarde

Donegal

Headfort

Lansdowne

Normanby

Ormonde

Westminster

EARLS.

Albemarle

Bessborough

Bruce

Carlisle

Cowper

Craven

Durham

Effingham

Fitzhardinge

Fitzwilliam

Galloway

Gosford

Granville

Grey

Harrowby

Leitrim

Minto

Morley

St. Germans

Scarborough

Sefton

Strafford

Uxbridge

Waldegrave

Westmoreland

VISCOUNT.

Torrington

BISHOPS.

Chester

Cork

Hereford

Manchester

St. Asaph

BARONS.

Ashburton

Byron

Beaumont

Broughton

Camoys

Colborne

Crewe

Carington

Cranworth

Churchill

De Mauley

Dufferin

Elphinstone

Erskine

Foley

Harris

Hatherton

Howard de Walden

Ilchester

Kinnaird

Leigh

Lilford

Lovat

Monteagle

Overstone

Say and Sele

Seaton

Stanley of Alderley

Sudeley

Suffield

Truro

Wharncliffe

Wrottesley

Resolved in the *Negative.*

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, July 15, 1851.

Minutes.] Public Bills.—1° Grand Jury Cess (Ireland).

2° Tithe Rent Charge Assessment.

3° Unlawful Oaths (Ireland); Turnpike Roads (Ireland); Private Lunatic Asylums (Ireland); Turnpike Acts Continuance; Turnpike Trusts Arrangements.

COUNTY COURTS FURTHER EXTENSION BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

Clauses 1 to 9 inclusive were *agreed to.* Clause 10 was postponed. Clauses 11 and 12 were *agreed to.*

On Clause 13 being proposed (the effect of which is to exempt from the operation of the measure the provisions of the 9th and 10th Victoria, by which no person is entitled to practise in a county court "unless he be an attorney at law, or a barrister instructed by such attorney, or, by leave of the Judge, any other person allowed by the Judge to appear instead of such party; and no barrister, attorney, or other person, except by leave of the Judge, is entitled to be heard as counsel for any other person"),

The ATTORNEY GENERAL said, that he wished to explain to the Committee his motives in bringing forward this Clause, which had been exposed to a great deal of misrepresentation and misconception. He certainly did not wish to create any undue monopoly, but, on the other hand, he desired, and he trusted that House participated in the feeling, that the Bar might not be destroyed. He was desirous, therefore, of explaining the precise position in which the Bar was now placed in consequence of the passing of the Act 9 and 10 Victoria. There was a general understanding that the Bar might practise in the County Courts, and that suitors were at liberty to employ them as advocates. Such, however, was not the case. The Statute 9 and 10 Victoria provided that no one should be heard as an advocate in those Courts unless he were an attorney, or a barrister instructed by an attorney, or, by leave of the Judge, any other person. The practice, however, which had prevailed since those Courts were established, evidenced a wide-spread conspiracy on the part of the attorneys for the purpose of wholly excluding the Bar as advocates; and inasmuch as no barrister was permitted by the Act to which he had referred, to practise in those Courts unless he were instructed by an attorney, the attorneys, in order to exclude the Bar, had come to a general determination not to employ counsel in any case. He was not speaking without authority in saying so; for in a pamphlet which he held in his hand, he found an extract from the *County Courts Chronicle* of February, 1850, where, in an address from an attorney practising in those Courts, he pointed out to his colleagues throughout the country, that all they needed to do was to carry out the provisions of the Act in their favour, and they would effectually and for ever exclude the Bar from any share whatever in the County Court business. In a letter which had been addressed to him that day, there was another statement, which showed that these tactics had been acted upon with success. A tradesman told his informant that he wished to sue a debtor in the Westminster County Court for 48*l*. The tradesman went to an attorney, and asked him to employ a counsel; but the attorney told him he would have nothing to do with it unless he consented to the employment of an attorney as his advocate, and if he persisted in his desire to have a barrister employed, he would throw up his case. In a word, it might be affirmed that from the infinite majority of these courts barristers were excluded; and the question was, whether, for the sake of the public itself, this was a desirable thing? It appeared to him simply as a general proposition, that the business of the advocate in all our courts, superior or inferior, should be conducted by men of trained education as advocates, of established position as gentlemen, as men of honour. He did not believe that any one was visionary enough to imagine that it would be an advantage to dispense with the advocacy of a class of men who had enjoyed the highest education, and who were known to be influenced by the highest feelings. If that were so, he did not think there could be any desire on the part of the Committee to confine the advocacy in these Courts to persons who practised as attorneys, because he must say that it was not the highest class of attorneys who practised in those Courts. He could not persuade himself that it would be for the benefit of the public that an inferior order of men should monopolise the practice there, unless possibly in an economical view of the case, such a monopoly should be found to be desirable. He begged, however, the attention of the Committee to this view of the case, because he agreed that it was essential to the good working of these Courts that the proceedings in them should be economically conducted. He had received a letter from a gentleman whose name would be a satisfactory voucher for his veracity, but he did not wish to mention it unless it were insisted on. That gentleman stated that at a certain provincial town where a County Court was held, there was a snug party of seven attorneys, and that one of them had confessed to him that they had leagued together to accept no retainer unless it were accompanied by a fee of three guineas, and that though this regulation somewhat limited their business, they found it answer very well in the long run. Another attorney told him that he always demanded three guineas for any work done in the County Court, and that this kind of business paid him better than anything else. It was a fallacy, therefore, to suppose that economy was consulted in behalf of the public by the exclusion of barristers, for the fee which would be received by counsel would be no greater in amount than that which the attorney duly pocketed when he appeared as attorney-advocate, and therefore the expense was precisely the same to the client whether he was heard by attorney-advocate or barrister-advocate. He might be answered that monopoly was not desirable; but he should be disposed to join issue with hon. Members on that point, and he would tell them in a few words why. It was of the greatest importance that a class of men should exist, not only trained to legal advocacy, but capable of acting as Judges; but the public would neither have good advocates nor efficient Judges, unless means were taken to support a body of learned persons whose occupations allowed them to acquire the greatest amount of legal knowledge. It was impossible that any one whose time and attention were devoted to getting up the details of cases, and the preparation of documents, should be as competent to deal with questions of law as parties who had greater leisure on their hands. They might rest assured that the principle of division of labour which had done such wonders in art and manufactures, would be found to work equally well in the administration of justice. It had been found hitherto beneficial to both branches of the profession that the functions of attorney and advocate should be kept distinct; and he believed that all the great leading members of the profession concurred in this—that it was desirable that the barrister and the attorney should each limit themselves to their own branch of practice. Hitherto the Bar, with a high feeling of professional etiquette, had abstained from accepting briefs without the intervention of an attorney; but the County Courts Act had positively placed a statutable impediment in the way of their doing so. The attempt to prevent monopoly had therefore failed, for, instead of being destroyed, it had only been transferred from the Bar to the attorneys; and if any monopoly at all were allowed to exist, it would surely be better to place it in the hands of a highly-educated class of men, rather than in those of an inferior class. The Committee might, however, adopt one of two courses: they might either put the barrister on the same footing with the attorney, or they might provide that if a party wished to employ his own attorney, who was *boná fide* such, the attorney might be allowed to act also as advocate; but that in cases where it was desired that the functions of attorney and advocate should be separated, then the privilege should be given to the Bar which they enjoyed in other courts. He (the Attorney General) was satisfied that the tendency of recent legislation had been to carry justice home to every man's door. That tendency he considered a most proper one, and he had always stood by the County Courts Bill; but, at the same time, he could not but protest against an attempt to destroy a noble profession, the history of which was intimately associated with the brightest annals of our country; and he warned the Committee to be cautious how, in putting down one monopoly, they made room for a much worse.

Mr. FITZROY said, that the hon. and learned Gentleman had left the Committee rather in the dark about his intentions as to whether he meant to give exclusive audience to barristers in these courts. If, however, he meant to propose the clause as it stood in the Bill, he should certainly oppose it, as it would defeat entirely the object of the Bill. The object of the County Courts Act was to combine speed with cheapness in the administration of justice—an object which was incompatible with exclusive audience on the part of the Bar. Enact that cases were not to proceed unless a counsel was heard on either side, and the delay would become such as altogether to deter persons from seeking that remedy with which these courts were at present more and more effectually providing them for the attainment of their rights, and the vindication of their wrongs. No complaints had been made by the public of the manner in which the advocates in the County Courts had conducted their business. The hon. and learned Gentleman had talked about the combination of attorneys against the Bar; but was not the real fact this, that the public preferred attorneys as their advocates? By the Act, defendants were allowed to settle proceedings by the payment of the demand within five days of the meeting of the Court; and it often happened that suitors, in the hope that their debt would be paid them without litigation, contented themselves with taking no further trouble than lodging the plaint until the day for the hearing drew nigh. Thus an attorney was frequently instructed on that morning, and often after the Court had actually been sitting some time. The attorney was able at once to proceed with the case; whereas it would be impossible for him to instruct a barrister. He should certainly look upon the destruction of the Bar as a great public calamity; but still the public interests were paramount. If the Committee should adopt the clause proposed by the hon. and learned Attorney General, it would be in the power of any two barristers to monopolise the practice of a County Court, because, so long as they attended, the public would not be at liberty to retain the service of any other advocate. He contended that the Bar had no right to restrict the public in their choice of an advocate. A monopoly of this kind did not stand on better ground than a commercial monopoly. He believed that the County Court Judges were perfectly satisfied with the conduct of attorneys as advocates, and would be very sorry to see any change take place. There was nothing at this moment, he believed, to prevent barristers from practising in the County Courts; it was within his own knowledge that in the Oxfordshire County Court circuit barristers practised, without encountering anything at all resembling that persecution at the hands of the attorneys which the hon. and learned Gentleman had, properly enough, denounced.

Sir GEORGE STRICKLAND said, he viewed this as a contest between cheap justice and dear justice. The Courts at Westminster were jealous at the well-established and well-deserved popularity of the new Courts, and seeing that their occupation was gone, or almost gone, they stepped in and said, "Give us a monopoly." Now, whenever he heard the word "monopoly," he felt certain that "something was rotten in the state of Denmark." The Courts of Westminster had brought this upon themselves. They had refused to reduce their expenses, to reform their technicalities, and, above all, they had clung to that antiquated rule of refusing to permit parties to suits to be themselves examined. The Courts of Westminster had refused to simplify their proceedings, and the consequence was, they would be swamped. There was an old saying, that when persons of a certain description fell out, honest men would get their own; and he had no doubt that the result would be beneficial to the public. Besides, it was a very pretty quarrel as it stood—attorneys *versus* barristers—and he hoped the Committee would not interfere. He trusted that they would not stultify themselves, after they had given such a vast boon to the public, by trying to introduce the technicalities which they had so wisely swept away. If the Courts of Westminster would only reform themselves, they might depend upon it they would continue to be respected and frequented.

The ATTORNEY GENERAL said, that as he saw the sense of the Committee was against exclusive audience being given to the Bar, he was quite willing to substitute for the clause before the Committee a clause that had been drawn up by a County Court Judge, and its purport was, that in all cases where the parties chose to employ an attorney to act both as attorney and advocate, they might be allowed to do so; but if the parties desired the assistance of an advocate in addition to their attorney, that advocate should be a barrister. The clause—which only applied to the extended jurisdiction of the Court—also authorised other persons to appear, with permission of the Judge. He (the Attorney General) must say, that the observations of the hon. Baronet who had last spoken had greatly astonished him. The hon. Baronet had talked about the Courts of Westminster reforming themselves; but surely he must know that they could do nothing of the kind. Heaven forbid that they should have any more judge-made law! They had had plenty of that in times past, and it was the worst of all law. No; it was the province of the Courts to administer the law, and of the Legislature, if necessary, to amend it.

Mr. HENLEY said, he must confess that his own wish, and that of the right hon. Baronet the Member for Ripon (Sir J. Graham), who was unable to attend, was, that both attorneys and barristers should have a fair field, and no favour, and that if the suitor liked to go to a barrister, he should go to a barrister, and *vice versâ*. That, he believed, would have been the best course for the public, and would have secured the attendance of a Bar. If, however, the hon. and learned Attorney General thought it better to frame the clause in a more restrained sense, he, for one, saw no objection to that course. At present, no doubt, the Bar were virtually excluded from practising in the County Courts by the words introduced in the Act 9 & 10 Victoria. He believed, however, that the success of this experiment would mainly depend on having a Bar in these Courts, which he considered to be a great security for the due administration of justice. At present, the Judges were fresh from Westminster Hall, and came prepared to administer justice in a spirit of energy and efficiency to which they had been accustomed; but in the course of time they would become rusty, and, without the attendance of a well-qualified body of practitioners, in ten years' time he feared that the County Court Judges would not deserve the same respect which they now enjoyed.

Mr. HUME thought that the alarm of barristers on this question was unnecessary. They could protect their own interests most effectively if they would only consent to adopt a liberal and enlightened policy, such as was suited to the spirit of the times.

The CHAIRMAN suggested that the Clause should be postponed, the Committee not having had an opportunity to see it in print.

Mr. EVELYN DENISON entirely approved of the suggestion. He would not show exclusive favour either to barristers or attorneys; but he could not help thinking that the interests of the public would be materially promoted by the presence of a respectable Bar in the County Courts.

Mr. FRESHFIELD was certainly not prejudiced against the attorneys, for, though on his appointment as Chairman of a Quarter Sessions he had thought it his duty to be called to the bar, he had practised as a solicitor for thirty years. Nevertheless, he preferred the hon. and learned Attorney General's original clause to the proposal to remove all restrictions.

The SOLICITOR GENERAL said, he should support the proposed Clause. Let the Committee recollect that it was to the Bar of England that we owed in a vast measure the great liberties of this country. It was Lord Coke who framed the Petition of Right; it was Lord Somers who prepared the Bill of Rights. It had ranked amongst its members the most eminent supporters of our liberties. But, further than that, he would ask, what would be the state of property in the country if they allowed it to be disposed of by Judges who had not the responsibility of giving their decisions in the presence of a Bar? The hon. Member for Oxfordshire (Mr. Henley) who had had experience of that, had told the Committee his opinion on the point;

he had told them that they could not have the security of an able Bench unless it were watched by an able Bar. Nothing could be done more disastrous to the suitors, nothing could be done more to degrade these Courts, and make them odious and disgusting in the eyes of the country, than to withdraw the Judges from the supervision of an efficient and high-minded Bar. The Bar was kept in order by the *esprit de corps* by which every barrister was the watchful guardian of the honour and integrity of his learned brethren. Besides, all barristers were obliged to be members of one of the four Inns, which were governed by benchers, who sat as judges over their conduct, and who were armed with the power of expelling them from the Inns, and so depriving them of the right to practise. In like manner, a person's own attorney was liable to an action for damages if his client suffered loss from his negligence. But this hybrid class of attorney-advocates would be liable neither to be debarred nor to suffer the pecuniary consequences to which a person's own attorney was liable. Now the persons who principally used the County Courts were singularly liable to be preyed upon by knavish practitioners; and if these latter persons were admitted into the Courts, they would soon become so debased as to be a perfect nuisance, and ere long an Act would be called for to abolish them altogether.

LORD ROBERT GROSVENOR said, that having taken the attorneys and solicitors especially under his protection, it would be expected that he should express his sentiments on this question. The hon. Member for Boston (Mr. Freshfield) had stated that, having practised for many years as a solicitor, it might be supposed that he regarded the proposition of the hon. and learned Attorney General with some degree of disapprobation, as militating against his profession; but the fact was, that the profession generally, attorneys as well as barristers, viewed the County Courts with unmitigated dislike, for their great profits consisted in the retention of Westminster Hall as it was. He was therefore most anxious to reduce the profits of attorneys and solicitors, as he believed he was doing in maintaining the County Courts as they were. Now, as he understood the proposition, it was this: That at that moment an attorney, if he did not choose to advocate a cause himself, might ask another attorney, called an advocate-attorney, or, as they had been named by the hon. and learned Solicitor General, a hybrid class, to undertake it for him; but now it was proposed that the attorney should not be able to do that, and that if he wanted assistance, it must be intrusted to a barrister. To that proposition he should most unwillingly assent. No gross case had been brought forward in which this hybrid class had abused the trust reposed in them; and having himself witnessed how well and cheaply justice was there administered, he should be sorry to alter the present method of proceeding.

The CHAIRMAN said, that as it was not competent for the Committee to adopt a perfectly new Clause unless it were brought up at the end of the Bill, it was clear, therefore, that the object which the hon. and learned Attorney General had in view could not be effected on the present occasion otherwise than by varying the terms of the 13th clause.

The CHANCELLOR OF THE EXCHEQUER said, what the Government proposed was this: so far as the old jurisdiction of these Courts was concerned, a party should be allowed to employ a barrister through his attorney, if he so thought fit; but in reference to the new jurisdiction about to be established, a party should be allowed to appear either by attorney or a barrister, or any other person who should be approved of by the Judge of the Court.

MR. CHISHOLM ANSTEY said, that although he had come down to the House to vote against the original clause, yet he would support the amended one. If the monopoly of the Bar were to be guarded against, much more for the interests of the people ought the monopoly of the attorneys to be guarded against. The Committee was aware that complaints had been made that suitors were prevented from having a barrister for their advocate. A barrister had told him that he was waited upon by a poor man, who requested him to hold a brief in a cause that was coming on on the following morning. He refused, unless the brief were handed to him in the usual way, through an attorney; to which the poor man replied, that that was impossible, for an attorney who had almost exclusively all the practice at the Westminster County Court had told him that if he insisted on having a barrister, he would, at the last moment, throw up his case: and similar cases were continually occurring. In the Colonies a learned, intelligent, and able Bar had been destroyed by that depraved system. He knew, from his own experience, that it was the case in Van Diemen's Land; and the same consequence must follow here if the same system were adopted. Although he insisted, in the name of economy and justice, on the right of the client to employ whom he pleased, and to instruct counsel personally, and not through an attorney, still, having regard, not to a monopoly of the Bar, but to the interests of the clients themselves, he objected to arm attorneys with the great additional power which this proposed innovation would confer upon them.

MR. CARDWELL said, what they wanted to do was very obvious; it was to put an end to all restrictions unfairly imposed either on one class or the other. They had been told that there were combinations among the attornies to oust the Bar from these courts. Let them then put an end to all the machinery by which those combinations became possible, and then let it be equally clear that in these courts there should be no necessity for a poor client to have any advocate at all unless he chose. Surely that could be put in a short intelligible form. Let them then repeal the statutory restriction which prevented the Bar from acting as advocates in the County Courts, and then it would be for the Bar to review their own rule of etiquette which forbade the acceptance of briefs except through the hands of an attorney. He would then propose to unite in this clause the provision of the statute of the 9th and 10th of Victoria, and then let them say, "Be it enacted that the said last-recited provision be repealed," and then enact as follows:—

> "And that it shall be lawful for any person or party to the suit, or for an attorney conducting the suit, or a barrister retained by or on behalf of either party to the suit, or, by leave of the Judge, any other person, to appear for him and address the Court without any right of preaudience or exclusive audience, but subject to such regulations as the Judge should from time to time direct for the transaction of the business of the Court."

MR. J. EVANS thought it would be enough to strike out the words "instructed by an attorney," occurring in the provision referred to by the hon. Member for Liverpool.

The ATTORNEY GENERAL said, there was only one point in which the alteration proposed by the hon. Member for Liverpool differed from the view taken

of the subject by his right hon. Friend the Chancellor of the Exchequer. The hon. Gentleman proposed to apply the clause to cases under the old jurisdiction as well as to the new. Now, it might be desirable, if they put all parties on a fair footing, to have an uniform course of proceeding. As he understood the hon. Gentleman's proposition, a party would be entitled to advocate his own cause, or an attorney might be his advocate, or, if he preferred it, he might have counsel, and he might either instruct his agent to retain counsel, or might go directly to counsel and instruct him. The latter was a question of etiquette, which it would be afterwards for the Bar to determine how far they would alter the present practice of the profession, which prevented them from accepting any brief except through the hands of an attorney. That, however, was, as he understood, the effect of the clause; and he believed it would be satisfactory to everybody, and he trusted, therefore, the House would support it.

MR. CROWDER said, that he had received information of secret partnerships being formed between attorneys and the attorney-advocates to divide the profits between them; and there had been instances in which combinations had existed to prevent the Bar from being employed. He would agree to the Amendments as proposed by the hon. Member for Liverpool, but he did so only because the House appeared to be against exclusive audience to the Bar.

MR. AGLIONBY thought it would be better that barristers should receive their instructions from attorneys instead of from the parties themselves.

MR. COBDEN wished to know whether the clause of the hon. Member for Liverpool would allow of one attorney employing another attorney to advocate a cause, or was it confined to the attorney conducting the cause? He thought the parties ought to be left to themselves. All the difficulty raised by the hon. and learned Attorney General as to barristers would be best met by leaving it to free competition.

MR. MULLINGS thought it should be as open to employ attorneys as advocates as to employ barristers in that capacity.

MR. CARDWELL explained. There must be a security for the suitor in these courts, and that must be either by having attorneys liable to actions at law for neglect of duty, or barristers liable to the control of the opinion of the Bar and the benchers of their Inns of Court, or persons who by leave of the Judge addressed the Court, and were, therefore, answerable to the Court. He believed it would meet the unanimous wish of the Committee if he substituted the words "attorney of the superior courts of record," instead of the words, "attorney conducting the suit."

The CHAIRMAN then put the Clause which, after repealing the provision contained in the Act of the 9th and 10th Victoria, was in the following words:—

> "And that it shall be lawful for a person a party to the suit, or for an attorney of Her Majesty's superior courts at Westminster, retained by or on behalf of the party on either side, or for a barrister to be retained by or on behalf of the party on either side, or, by leave of the Judge, any other person, to appear and address the Court, without any right of pre-audience or exclusive audience, but subject to such regulations as the Judge might from time to time direct."

Mr. CARDWELL wished, before the Committee came to a decision, to ask his hon. and learned Friends opposite whether an attorney answering the description in the clause just read could possibly escape from an action for negligence in the misconduct of a cause?

The SOLICITOR GENERAL was of opinion that he could.

Mr. CROWDER said, he had only assented to the proposition of the hon. Member for Liverpool (Mr. Cardwell) on the express ground that the person to be employed was to be either a barrister as a barrister, an attorney as an attorney, or any other person, by leave of the Court. That was what he had assented to. It was not in the same form now, as it allowed an attorney to employ any other person, with whom he might have a secret partnership. He believed that by this Clause the grossest frauds would be, as they had been, practised, and that the public would feel the greatest inconvenience from it.

Clause, as amended, *agreed to.*

The House resumed; Committee reported progress.

SELECT COMMITTEES.

Mr. EWART begged to move that the number of Members composing Select Committees, except under certain circumstances, be seven; that the Members appointed to serve on Select Committees be selected by a Committee of Selection; that it be the duty of the Committee of Selection to choose only such Members to serve on Select Committees as may declare their ability to give their regular attendance at such Committees, and that the Committee of Selection ascertain this fact from such Members beforehand; that it be an object of the Committee of Selection, in the formation of Select Committees, to combine a due proportion of the younger Members with the more experienced Members of the House; and that three Members be held a sufficient quorum of Members for Select Committees. About fifteen years ago a change had been made in the constitution of Committees in that House. Previously they used to consist of thirty or forty Members, few of whom were in the habit of attending. On a Motion of his (Mr. Ewart's), the Members were reduced to fifteen, every Member's name being attached to whatever question was put by him in Committee, so as to fix his responsibility. The resolutions which he now had the honour to propose might be said to resolve themselves into two principal points: first, that the Committees should be rendered more efficient by a reduction of the Members composing them; and, secondly, that they might be made more just by enforcing, on the part of the House, the constant attendance of Members of those Committees. They had found the reduced numbers work very well on Private Bills, and he did not see why they should not work as well on Public Committees. At present the attendance of Members was not regular; and, therefore, some means should be adopted to enforce their attendance. A return had been moved for by the hon. and gallant Member for Portarlington (Colonel Dunne) of the attendance of Members on Committees, which had not yet been laid on the table; but he believed it would be seen by it that out of 260 Members appointed to serve on these Committees, not more than 120 had attended.

Motion made, and Question proposed—

> "That the number of Members composing Select Committees be reduced (except when special cause be shown, to the satisfaction of the House, for enlarging that number) to seven."

Mr. HOBHOUSE seconded the Motion.

Mr. EVELYN DENISON thought the reduction of the Committees to seven Members would leave little room for the selection of young and inexperienced Members of that House to serve. He also considered there would be great difficulty attendant upon leaving the selection of Members to serve on Committees to a Committee of Selection. Already there was a Committee of Selection for Private

Bill Committees, and that House reposed its confidence in the labours of that Committee, because its functions gave no scope for the operation of party spirit. The case, however, would be entirely different with a Committee of Selection selecting the Members to serve upon Committees appointed to inquire into questions of public and of national importance. It was necessary, for instance, that Select Committees on public questions should be formed with some reference to the political views of the Members. They must not only have the interests of the Government duly represented on such Committees, but also the interests of various parties in that House. The Committee of Selection, by whom the hon. Gentleman proposed that the Members of Select Committees should be named, would therefore necessarily be a body entertaining political and party considerations. He therefore doubted whether the House would like to take part with its power of nominating them in order to delegate its exercise to a Committee of Selection, for whose impartiality it would be difficult to obtain a satisfactory guarantee. Again, at this period of the Session it was hardly worth while to enter into the discussion of this Motion; but if the hon. Gentleman only brought the subject forward in order to have it considered between this period and the next Session, when it might be advisable to refer the whole matter to a Select Committee, then he should not object to give him his support.

Sir ROBERT H. INGLIS thought no parallel could be fairly drawn between Private Bill Committees and Committees appointed to inquire into questions of public and national interest. In the case of the appointment of such Committees as the Income Tax Committee, or the Committee on the Army, Navy, and Ordnance Estimates, it would be quite impossible for any Committee of Selection to give satisfaction to both parties in that House by their nomination of Members to inquire into any great disputed question, on which strong feelings were naturally entertained on both sides. It was, he believed, the rule of that House that no Gentleman was obliged to serve on a Committee unless it had been ascertained by previous personal communication that there was a reasonable understanding that he would be willing to serve. Great difficulty had been found in the present Session in obtaining quorums on Committees; but he thought the evil would be increased by limiting in the way proposed the number of Members to serve on Committees. While on that subject, he might be allowed to suggest that every Member of a Committee who voted for or against the Committee's Report, should be required to attach his signature to that document accordingly. He concurred in thinking that an opportunity should be given to younger Members to make them acquainted with the business of the House by serving on Committees with more experienced Members. Whenever he had had anything to do with the nomination of a Committee, he always took care to select one or two young Members, in order that they might have an opportunity of learning their business; and he believed that that rule was not overlooked by other hon. Gentlemen. He agreed with the hon. Member for Malton (Mr. E. Denison), that this was not a question which the House could decide *per saltum*. They must have time to consider it, and it would be best to refer the subject to a Select Committee; but they were, he hoped, too near the end of the present Session to engage in any new Committees.

Mr. HOBHOUSE was not prepared to hear so bad an opinion of that House expressed, as that no Committee of Selection which it could appoint would discharge its duties faithfully and impartially. On the contrary, he believed that there would be no difficulty in nominating a Committee capable of selecting in a satisfactory manner the fitting instruments for conducting any inquiry which the House might require to be instituted. When they talked of reforming the representation of the people, they ought not to forget the internal reform which they might effect within their own body. The hon. Member for the University of Oxford (Sir R. H. Inglis) might have selected some young Members to serve on his Committees; but the leaders of parties in that House had generally neglected to do so. Practically, the House had surrendered the privilege of nominating members of Committees; and, therefore, he thought the ballot, or mere chance, would be better than the system which at present prevailed. He believed, if the returns moved for by the hon. and gallant Member for Portarlington were laid on the table, it would be seen that, during the present Parliament, very few Members had attended public Committees. The Members who served on Private Bill Committees were very unjustly treated; they were like the petty jurors who were forced to attend the Court all day, but never enjoyed the honour of serving on the grand jury. They were never allowed to serve on inquiries of public importance; and yet, while they were so unfairly excluded, there were frequent cases of some other Members being appointed to serve on several different Committees, all sitting simultaneously. The Committees of that House were of growing importance and interest in the government of the country, because there was hardly any public question which was not first considered and digested in Committees before it came to be legislated upon. For himself, he could say that he had been a Member of that House between seven and eight years, and yet he had never been called to serve upon a single public Committee. Believing the Motion of the hon. Member for Dumfries (Mr. Ewart) to be a great improvement upon the present system, he should give it his support; and he considered the period of the Session at which the subject had been introduced was most favourable for enabling them to make their arrangements and start with the new system at the beginning of the next year.

Mr. CORNEWALL LEWIS wished to state, in a few words, the grounds why he was unable to support a proposition to apply the same rule to the selection of Members to serve on Committees of a public nature as was followed in the case of Private Bill Committees. In Private Bill Committees the business was conducted chiefly by counsel, who brought the entire case under the consideration of gentlemen sitting in a *quasi* judicial character, and hearing the case brought before them; but the different course adopted in Public Committees made it necessary that there persons interested on both sides should be appointed, in order that the case might be thoroughly investigated, and at the same time it was necessary to put impartial Members on, so as to check the leaning of particular parties. This latter object would make it inexpedient to reduce the numbers as proposed. He was convinced that if the proposed plan were adopted, the conduct of the inquiries would not be such as to satisfy the expectations of the House. Whatever objections, therefore, might be brought to the present plan of appointing Committees, he was afraid that the proposal of his hon. Friend (Mr. Ewart) would lead to far greater evils.

Mr. HUME said, that though they had frequently changed the number of Members that should constitute Committees, they had never as to the mode of selection adopted the right course. At present, Members had not a fair opportunity of showing their talents for business, but the difficulty really was to get Members to attend. The object of Committees was to obtain information, and to get at the truth; but as at present constituted, their Committees were not found to promote that result. In a Committee of fifteen Members, it was difficult on the average to get more than six or seven to attend. He would therefore make it compulsory on every Member to attend; but he would not appoint a Member to sit on more than one Committee. He would have the nomination made so as to give a fair chance to every Member. In America the selection was made by the Speaker, who was held responsible for the appointment of the different Members. Party considerations never entered into the nomination of Committees in America; and he thought the same practice might be beneficially adopted here, as the House must have every confidence in the discretion of the right hon. Gentleman who filled the Chair. He would merely add that he thought a quorum of three Members was not sufficient. He agreed that younger Members should serve with Members of more experience, and he thought there would be no difficulty in doing that. He should propose the addition of these words to the Motion of his hon. Friend, "That no Member should serve on more than one Committee at the same time." He believed that the system which he proposed would be beneficial to the Minister of the day; for could anything be more discreditable than the badgering which took place a short time ago in the nomination of the Income Tax Committee? There never was a more fitting time for deciding the question than the present; for the proposed alteration might be made early next Session.

Mr. BROTHERTON said, that this was an important question, and therefore, before they made a change they should be certain that the change would be an improvement. The great object was to have Committees whose report would carry weight with the House, and therefore, if there were Members who distinguished themselves by their information on particular subjects, he thought they ought to be appointed on Committees on which their information would be valuable, in preference to others. He was not opposed to anything that would be an improvement, provided he was certain that it would be an improvement.

MR. EWART, in reply, said, that the proposition he had put forward was advocated in some of its parts by almost every Member who had spoken. The desirability of change was therefore admitted. It had been said that the time for this Motion was inopportune. He could not admit that; for if they made the change now, they would be ready to put it in practice at the commencement of next Session; whereas if he put off the Motion to the next Session, he would be told that the Private Committees were forming, and that his Motion was inexpedient. What he proposed would not have the effect of excluding the most competent Members from Committees.

LORD JOHN RUSSELL said, that he could not consent to the proposition of his hon Friend, which went further than he was prepared to go. He would not, however, oppose referring the subject to a Select Committee, if the House entertained that proposition—though he did not think that such a Committee would have a great attendance in the present Session. But if the hon. Gentleman brought such a proposition forward early next Session, he did not think that either the Government or the House would say that the time was not a proper one for such a Motion because the Private Committees were in course of being formed.

Motion, by leave, *withdrawn.*

MILLING TRADE (IRELAND).

LORD NAAS: Sir, I have no apology to offer to the House for, even at this late period of the Session, rising to move that this House do on a future day resolve itself into a Committee of the whole House, to take into consideration the present state of the milling interest in Ireland. I have been induced to do so from statements that I have received, and also from circumstances that have come within my own personal observation. One of the greatest interests of Ireland is now actually on the brink of ruin, and therefore I feel that I should ill discharge my duty to my constituents, and my country, did I not avail myself of the earliest opportunity of laying before this House the circumstances of this alarming case. Sir, the industrial occupations of the Irish people have for long consisted first of agriculture, which occupies seven-eighths of the population, of the woollen, linen, and flour manufactories. These great interests our statesmen who lived in the end of the last and the beginning of this century made their especial care; and under their fostering influence they gradually rose to importance and greatness; but as those old patriots sunk one by one into their graves, their doctrines were forgotten, their principles disregarded; new theories begun to gain ground, and those great interests which they wisely thought worthy of the protection and care of a native Legislature, are now gradually falling before the baneful effects of imperial indifference. What has became of our woollen manufacture, this House is probably well aware. How our agriculture, our mainstay and chief dependence, has suffered, Her Majesty's Ministers have in their Speech from the Throne themselves deplored. I have now the painful duty of showing to this House how the most important of our manufactures, that of wheat into flour, is almost extinct; and it is with deep concern that I declare my belief that its entire loss may soon be looked for, unless something is done to avert the blow. I will commence by showing what the country has lost in the production of wheat, the raw material of the miller. I find that in 1845 the exports of wheat from Ireland amounted to 372,000 quarters, whereas in 1850 they were only 76,000 quarters; the exports of wheatmeal and flour were 1,422,000 cwts., but in 1850 they had fallen to 327,000 cwts. And, now see what in this single article of wheat Ireland has lost since the days of her comparative prosperity. Up to 1845, Ireland exported generally on an average about 500,000 quarters, which, valued at 40*s.* a quarter, would be equivalent to 1,000,000*l.*, now utterly lost to her. Taking the import of the present year at 800,000 quarters, this would require a sum of 1,600,000*l.* to pay for it, so that the entire loss, compared with the state of the corn trade a few years ago, when Ireland exported considerably, would be equal in the whole to 2,600,000*l.*, or one-sixth of the entire valuation of the country; and this probably far below the reality. This loss fell not altogether upon the farmer; the miller suffered too. The English market to which he was used to send his best samples, is now glutted with

French and American flour, with which he finds it impossible to compete. The country miller in Ireland was the farmer's best customer; he employed a large capital in his trade, and in all the great markets was the readiest buyer, and it requred the employment of considerable capital, for he was obliged to purchase his stock between the harvest and spring, thus purchasing when the farmer was most in need of money, and when it suited him best to dispose of his produce. This placed him in a very different position from the miller at the ports, who can always obtain his supply of grain to his hand at any time.

I will now proceed to show to the House the present state of this interest in Ireland, and though it is impossible for me to inform the House as to the circumstances of every mill in the country, I shall be able to bring such a statement before it, that the House can come to a very accurate idea of what is the general position of the trade. Through the perseverance and energy of certain gentlemen in London, who have taken up this subject most warmly, and to whom the millers are deeply indebted, I have been furnished with returns from upwards of 340 mills, including all the largest establishments in the country, and find that the value of 349 mills in Ireland represented a sum of 1,487,310*l.*, running 1,876 pairs of stones. So much for the value of only a few of the mills in Ireland. Now, what their present state is the following table will show:

TIME-WORKING OF 321 MILLS IN IRELAND.

	88 Munster.	61 Ulster.	35 Connaught	137 Leinster.	321 Total.
Full time	12	10	2	15	39
Not full	—	—	6	1	7
Three-quarters	1	1	—	4	6
Two-thirds	1	2	—	3	6
Half-time	27	15	2	37	81
Not half...............	3	3	1	3	10
One-third	16	5	19	8	48
One-fourth............	6	—	—	12	18
One-sixth	1	2	—	3	6
One-eighth	1	—	—	1	2
Not one-ninth	—	—	—	2	2
Partially	2	4	—	5	11
Given up and idle...	12	14	2	17½	45½
Full on Indian corn	5	4	2	10½	21½
Half-time ditto	1	—	—	7	8
Full on oatmeal ...	—	1	1	1	3
Not one-fourth ditto	—	—	—	7	7
	88	61	35	137	321

INFORMATION RESPECTING LABOUR EMPLOYED IN 318 MILLS.

Provinces.	No. of Mills.	Pairs of Stones.	No. of men employed	
			When in full work.	At present.
Ulster	61	289	930	573
Connaught.	36	147	467	273
Munster ...	87	512	2267	1041
Leinster ...	134	705	2111	900
Total ...	318	1723	5775	2787

Though these are the actual numbers of men out of work in the mills, yet it gives a very small idea of the number of men actually unemployed in consequence of the reduction of mills, for none of the carmen, cornporters, boatmen, and factors' men are mentioned above.

But to give the House a greater insight into the actual state of this trade, I will read a few individual statements, taken from the handwriting of persons engaged in this pursuit, and couched in their own homely language. One gentleman writes—

"Mr. Crosthwaite, of Bagnalstown, Carlow, estimates that his mills, working 24 pairs of millstones, gives support and employment to 300 families; Mr. Malley, of Castlebar, his eight-pair mill to 100 families; Mr. Rathbone, of Virginia, Cavan, his six-pair mills to 60 families; and the Messrs. Grubbs, of Ferrybank, Waterford, their eleven-pair mills employ and support 106 families. Therefore the returns show that upon the employment of the corn mills returned, 22,512 families depended for support. We have 685 mills in the books, and averaging them each at four pair of stones—2,740 stones give labour and support to 30,880 families, and these mills will make 109,600 sacks of flour per week, or 5,000,000 sacks per annum; showing the capabilities of the mill power of Ireland with good protective laws—these may be considered the export mills. Mr. Clibborn says, there are 1,800 mills for grinding oatmeal and corn in Ireland. If these 30,880 families be taken at four each, it will show 123,520 souls depending on the corn millers directly for support.

And now, Sir, I will read to this House various notes and remarks which have been sent by some Irish millers with their statistics:—

"ULSTER, Armagh, No. 7, 5 pairs stone.—This mill was built 5 years past, and in consequence of the late Bill of Sir Robert Peel, was obliged to give up making flour.

"Down, No. 14, 9 pairs stones.—2 water flour mills and wind mill idle from badness of the trade. I cannot let or sell them.

"Cavan, No. 18, 6 pairs stones.—Including carters, there are 40 men thrown out of work at the two mills of Messrs. Rathbone; but in the returns the millers only losing work are estimated at 14.

"LEINSTER, County Dublin, No. 4, 9 pairs stones.—I bought an iron wheel for 400*l.* in 1847, but in consequence of free trade, I abandoned the idea of putting it up; if I had, I would require more than double the hands.

"Ditto, No. 64.—I have 4-pair nearly ready for work, but will not finish them until the free-trade plague is removed—we seldom work our corn mill—since December, the price of flour being so kept down by the quantity imported, and particularly the large lots of slightly damaged coming every day into the market, must turn the mill into something else.

"Kilkenny, No. 79, 9 pairs stones.—From the great difficulty we experience in endeavouring to sell flour, we do not keep one pair of stones constantly at work; we have very much improved the quality, still we can scarcely dispose of a sack in Liverpool, where we could readily sell 200 to 300 sacks weekly before the change in the corn laws; every market seems full of French flour.

"Louth, No. 61.—Situated in one of the best wheat districts in Ireland, but owing to the large quantities of foreign flour coming into this place, and neighbouring towns, has not dressed one bag of flour since 1st of February, and at present 400 bags on hand, and not a baker or other to ask the price of it, with 500 barrels of wheat ready to manufacture, so that the flour mill is only grinding a little wheat for wheat meal to retail.

"Kilkenny, No. 59.—A mill with 7 pairs stones, now idle. French flour is selling so low, and Irish wheat not grown. From 1837 to 1845 these mills (3, with 17 pairs stones) cost for carriers' wages and men's labour 3,500*l.* per annum; they now cost only 500*l.* yearly: the labourers all in the poor-house or gone to America, that were then employed.

"MUNSTER, Clonmel and Neighbourhood, No. 16.—11 mills, 89 pairs stones, cost 70,500*l.*; not on an average more than one-third worked for the past eight months, owing to the heavy imports of foreign flour into all our usual markets.

"Cork, No. 36.—The importation of foreign flour interferes so much with the trade, and it is so dull in consequence, that scarcely first cost can be made of the wheat, and not allowing anything to pay the expenses of clerk, millers, carters, labourers, and interest of capital. If something is not done to afford some protection to the trade, these concerns will be stopped, (9 pair mill, value 7,000*l.*) which will add considerably to the distress of an already very poor district, heavily taxed with poor rates, &c.

"Waterford, No. 50.—A mill, 5 pair stones, cost 5,000*l.* all idle, and remains as a monument of the baneful effects of free trade: every men discharged.

"Tipperary, No. 9.—10 pair mill, 5,000*l.*, about one-third worked: our export trade being totally annihilated by the immense importations of foreign grain: 100 men once employed, now 40.

"Cork, No. 28.—The water-power mills at Shannon Vale are and have been idle these three years, (worked 10 pair stones per water.) We expended over 8,000*l.* in additional buildings and machinery within 16 years, after which the mill part was burnt down. We since put up the mills and machinery on the newest principles, at an expense of 3,000*l.*, but finding free trade interfered so much with millers, we never since worked them, and they are idle these three years. We were glad to give a surrender of these mills after all our expenditure. 40 men were employed—most of the men and families are now in the poor-house.

"Kilkenny, No. 84.—I am ordered by Government to let 2 pair sleep, to accommodate the French and American millers; and also 3 pair by night occasionally to oblige the den of Cobden, Bright, and Co., the destructives. I was under pain of losing all my property, being compelled by Sir Robert Peel and free-trade millers, now repentant, to put out the fires of my steam engines, and discharge my men, in order to benefit the country with a big loaf, and no money to buy.

"Louth, No. 22.—Mills, 5 pairs stones, value 5,000*l.*—all the 10 men discharged. A long time standing, from the plain fact of not being able to make a profit out of either foreign or home-grown wheat, oats, or Indian corn."

This, then, is the present state of the greatest of our manufactures in Ireland. Is it not a state of unexampled depression? Is it not enough to alarm any true lover of his country, and make one tremble for the effect such a loss may have on an already impoverished nation? But now for the cause. It is too apparent that this loss of property and trade has been occasioned by the enormous and unexpected importation of foreign flour; a circumstance quite unforeseen by the authors of the measure of 1846, and even unlooked for by them, till within the last year. I find that a paper, supposed to represent the opinions of the Treasury Bench, and conducted by one of its most distinguished members, expressed a decided opinion on this subject, so lately as last year, after having stated that France imported annually, on an average, 650,000 quarters of wheat. The *Economist* says—

> "As a source of permanent supply, therefore, this fact alone would not induce us to look to France, and we are the less inclined to do so, when we consider the very backward state of agriculture in that country, and the extremely small produce of the land, which appears to have been stationary for nearly 60 years."

But what is the fact?—how different the practice! I hold in my hand a return which I moved for during this Session of Parliament, and which will show a very different result from that predicted by the *Economist;* and here I may remark, that as the distress which I have brought under the notice of this House, dated principally from the time that French flour began to be largely imported, I shall confine myself to that part of the case, as I believe that the nearness of French ports, and other circumstances to which I will hereafter allude, renders her at present our most formidable competitor. The return I allude to shows what has actually taken place in the importation of French :—

WHEAT FLOUR—REDUCED TO ITS EQUIVALENT IN QUARTERS OF WHEAT.

Imported from France.

	1849.		1850.
Into England, qrs....	216,987	......	435,575
Into Scotland, qrs....	38,089	......	57,682
Into Ireland, qrs. ...	32,426	......	56,793
Into United Kingdom	287,502	......	550,050

Imported from France.

	Last qr. of 1850 separately.		First qr. of 1851.
Into England, qrs....	129,346	......	160,409
Into Scotland, qrs....	18,106	......	38,161
Into Ireland, qrs. ...	17,571	......	27,979
Into United Kingdom.	165,023	......	226,549

These returns, therefore, show that in the first quarter of the present year there was imported of wheat flour, into the United Kingdom, very nearly as much as in the whole of the year 1849. I can now show the House a French account of their exportation :—The *Moniteur* of June 15th, 1851, concluded the official report of the Special Committee appointed to inquire into the question of admitting foreign corn into France for grinding and exportation, drawn by M. de la Rochette : — The following are the quantities given in this report of the exports of corn for the twelve months ending August 1, 1850, and for seven months of the agricultural year 1851 :—

	Year ending August 1, 1850. Metrical quintals.		Seven months to March 1, 1851. Metrical quintals.
Flour	902,481	......	987,918
Wheat	943,639	......	1,183,902
Maslin	3,488	......	2,021
Rye	84,190	......	75,597
Barley	93,860	......	219,832
Buckwheat	1,032	......	27,388
Maize	193,187	......	59,466
Potatoes	638,584	......	315,175
Legumes	83,171	......	100,147
Oats	31,532	......	83,807
Total	2,975,164	......	3,055,253

It appears from these figures that the exportations from France during the seven months of the current year have exceeded those for the whole of the year 1849 by 1,080,089 quintals, showing an increase in two years of 54 per cent. In the agricultural year of 1850 the flour exported amounted to 902,481 quintals, and the wheat to 943,639 quintals. During the seven months of the agricultural year of 1851 the exports of flour from France amounted to 987,918 quintals, and the wheat to 1,183,902 quintals. These quantities, reduced to their equivalents in imperial quarters, will stand thus :—

	12 months, 1850.		7 months, 1851.
Wheat, qrs.	418,549	......	554,443
Flour, qrs.	506,494	......	525,122
Total	925,043	......	1,079,565

It would be seen too, by the following detailed statement, what was the exact amount of the bonus obtained in the various ports of France upon shipping flour instead of wheat, in consequence of the difference in the freight between the articles :—

CHANNEL PORTS.

Average freight of wheat per qr.		3*s*. 0*d*.
Duty		1 0
		4 0
Freight on produce thereof in fine flour..................................	1*s*. 6*d*.	
Duty	0 11¼	
		2 5¼
Bonus in favour of the French miller		1 6¾

MARSEILLES.

Freight of wheat		4 6
Duty		1 0
		5 6
Freight on fine flour	2 9¾	
Duty	0 11¼	
		3 9
Bonus		1 9

This last table shows how great an advantage the importer of flour has over the importer of grain, and how likely it is that the French manufacturer, having discovered this mine of wealth, is likely to pursue his advantage to a far greater extent than he does at present. It has been stated by one of Her Majesty's Ministers, in another place, that the French miller was restricted in the exportation of the produce grown on the French soil. But this is not all the case. A gentleman connected with the trade, having read that statement in the newspapers, wrote to France on the subject, and here is the answer to his inquiries :—

"1st Question.—Is it permissible to receive foreign wheat in every French port to be ground in bond, or is that privilege only to be enjoyed by Marseilles ?

"Answer. —Every bonded French port has the privilege. For instance, not only Marseilles, but Nantes, Havre, Dunkirk, &c.

"2nd Question.—What quantity of flour must be exported for a certain quantity of wheat imported ?

"Answer.—70 per cent of wheat. For instance, for a quarter of wheat weighing 500 lbs., 350 lbs. of flour. The flour must be exported within 20 days from the time the wheat was imported. The flour must be exported from the same port at which the wheat was landed, or from one of the same division. For example, it would not be practicable to import wheat into Marseilles, and avoid the duty by giving a bill of export for flour for Dunkirk. France will not allow any flour to be imported into France."

This, therefore, is nothing more nor less than a regular system of grinding wheat in bond for exportation, and there is nothing to prevent the French from grinding the wheat that was imported from the Mediterranean ports and sending it into England. I do not pretend to say that the French had availed themselves of the power to any great extent of bonding their flour, but it is too evident that the practice is gradually increasing. Now, I have received a very able communication, written by a corn factor in Dublin, to a country miller, which shows the whole case better than I could possibly express it:—

"Dublin, 26th April, 1851.

"I believe there can be no second opinion on the subject, that the trade has been most seriously interfered with. Our sales of Irish flour are now but little above the proportion of one to three of French, and I believe the same could be said by every other commission house in Dublin, whilst in Liverpool and Manchester, the great markets for Irish flours in former years, the proportions are still less. I know several large mills unworked, and many others but partially so, and I need not tell you as a miller, that until wheat, both native and foreign, recede fully 10 per cent below even the present low rates, this state of things cannot be otherwise, improve your style of manufacture how you will.

"Much has been said about the inferiority of our system of manufacturing, and I admit with truth—and much also of our choice of wheats from the granaries of the world, which I also assent to; but unless you as a miller can buy this wheat at such price as will admit of some margin for your cost and profit in manufacturing, your skill and good wheat will do you little good.

"Now considering that our legislators in speering into the future overlooked *in toto* in their calculations that source of supply which I may say has inundated our markets with flour, it appears to me safer to judge of facts as we find them, and from our opinions on the experience of the past twelve months of our trade; and I maintain that no miller in this country can buy wheat in any of our markets, take that wheat to his mill, grind it and re-sell it, in competition with the French flours now offering, with a profit, but on the contrary a loss. It may be said, much of this French flour is leaving a loss to the importer, and prices will go up when present stocks are reduced. Our house, however, hold consignments direct from more than our French manufacturer; and my opinion is, that having a 'surplus' they will consign it to our markets if we do not 'buy' it; and from some knowledge of the provincial parts of France I would say that if their surplus of wheat has admitted of their immense exports to us since in 1848, moderate improvement in their system of agriculture will greatly increase that surplus.

"Again, let us look to American supplies, and I think it must be admitted that barrel flour can now be bought in Liverpool, in good condition, cheaper relatively than their wheats. The same applies to French flours and wheats; for example, the wheats from both these countries could not be bought at any of our ports of discharge during the past season, to form a fair miller's average, so as to produce flour equal to the French or American under 23*s.* to 23*s.* 6*d.* per barrel. We are selling French flour of prime quality at 11*s.* 6*d.* to 12*s.* 6*d.* per cwt., about equal to what such wheats would produce if well manufactured; and I believe your miller will confirm my assertion, that at 11*s.* 6*d.* the return from the barrel of wheat would not exceed 23*s.* 6*d.*, and at 12*s.* 6*d.* but 25*s.*, leaving in the first case nothing, and in the second but 1*s.* 6*d.* towards working, cost and profit, supposing the buyer to be a miller at the seaport; but if (as in your own case as well as that of many others who have embarked capital in mills at greater or less distances in the interior of the country) there is to be calculated additional cost on the raw material going to be manufactured, and cost of placing the flour on a market other than that of the immediate locality of the mill, the trade would be ruinous. American flour is now selling in Liverpool, sweet and in condition, at 19*s.* per barrel, or about 10*s.* 9*d.* per cwt. These remarks apply to the general quality of flour in use by bakers, but hold good, with all qualities relatively. No doubt much foreign and also native wheats have been sold, in good condition, from 19*s.* per barrel upwards; but such wheats would not give flour equal in quality to that alluded to. It may be fairly presumed that French millers, like our own, make a careful selection of the wheats in their respective districts, leaving but the middling and inferior for export, consequently the quality of their flour should be better than ours from French wheat: moreover, it is well known in the milling trade that it is on the home sale of coarse flours that the principal profit is made, the fine flour produced being sold at a comparatively low profit: the fair inference is, that the course of the French trade in this respect is similar to our own, and that they will always sell their fine flour comparatively cheaper than their coarse; in fact they must sell it, and it is more to their advantage to export flour than wheat, as in addition to retaining coarse food for their own population, there is a saving of freight of fully 8 stone on every barrel of 20 stone.

"These reasons, confirmed by the fact of continued importation on a very large scale, say 50,000 sacks during the last 10 days between London, Liverpool and Dublin, lead to the conclusion that the pressure from the French millers will continue, and will increase; the result will be ruinous to the milling interests of this country, those in the interior falling first, coarse feeding will become scarce, and much enhanced in value, to the injury of the lower orders and agriculturists; the value of any wheat grown in these countries still further depressed, first, by the natural importation of food itself, and, secondly, by its perishable nature, as flour, unlike wheat, cannot be held over, and must at times be unfairly pressed on the markets to avoid loss by going out of condition.

"You must excuse this terrible scribble of a letter, but I have been both hurried and interrupted whilst writing.

"Yours truly, ———."

I now, Sir, come to one of the most curious features in the whole of this deplorable case, and that is, that so far from the ruin of the miller having contributed to the welfare of the poorer portion of the consumers, their condition has been actually made worse, and a great quantity of the coarser sorts of flour and breadstuffs are kept out of the country, which were usually consumed by this class. The following is an extract from the circular of the Irish millers issued last May:—

"As superfine flour only is imported, and as each quarter of wheat yields (according to the quality of extra fineness of the flour and the particular kind of wheat) from 300 down to 260 lbs. (and in some instances even less), now we take an average, and for convenience take 280 lbs. as the weight of a sack of flour, allowing the quarter of wheat to weigh 480 lbs. and waste 14 lbs., it is obvious that about 186 lbs. of the coarse flour, bran, &c., fitted for the consumption of our own population, and the manufacture of biscuit and feeding purposes, is kept out of the country by the import of the said sack of flour, instead of the quarter of wheat. This deficiency has to be met in two different ways, a certain portion of other food (Indian corn, &c.) has to be especially imported at a higher relative value than would otherwise have to be paid, in consequence of the especial demand, and the consumption has to be checked by the higher price paid for it, and by the enhanced value caused by scarcity of the coarse portion of the produce of the wheat manufactured here. This is shown by the fact that coarse flour and bran are actually as dear, and in some instances dearer, with superfines at 30*s*. per sack, than when they were at 50*s*. and 55*s*. The working classes and tradesmen, the farmer or householder who required bran and the coarsest flour for feeding, feel this most severely. The former has to consume Indian corn or flour, almost half bran; the latter was obliged to lessen his stock of pigs, cattle, &c., and to feed those he does keep at a disadvantage."

I have also received the following letter from Mr. Robinson, of Dundalk, dated the 26th of May, 1851:—

"My Lord—I perceive with pleasure your notice of Motion for the 3rd June about the milling interest. For the last two months a hundred of bran was not to be had in Newry or Dundalk under 6*s*., whereas there was plenty first flour at 11*s*. 6*d*.—a circumstance quite unprecedented. Feeders of all cattle, and the poor, are by far the worst off, from want of the coarser flours and bran, whilst we are overwhelmed with the finest."

I can also show a most true and accurate estimate of the actual loss received by the poor by this state of things. The effects produced by the imports of flour from France, might be judged by the following extract from a letter of Mr. L. Crosthwaite, a highly-respectable merchant in Dublin. It was dated May 15, 1851:—

"But taking the year 1850, the value of the import may be estimated as follows:—595,355 qrs. of wheat, at 40*s*. 1,190,710*l*.; 1,925,175 cwts. of flour, at 12*s*. 1,155,105*l*., making a total of 2,345,815*l*. The coarse flour and offal from the wheat that would be required to make the above quantity of fine flour, may be estimated at 1,036,632 cwts.; 1,036,632 cwts. at the average value of coarse flour and bran, even when wheat was dearer than at present, was 5*s*. 6*d*. per cwt., and would make thereat 285,073*l*.; but the actual present selling price of such coarse flour and bran, is an average of 7*s*. 4*d*. per cwt., thus making 380,098*l*.; being an advanced price for the coarser food of 95,024*l*.; and the practical working of the system is, that the rich classes may, perhaps, effect a saving of about 1*s*. per cwt. on fine flour, being on 1,925,175 cwts., 96,258*l*.; whilst the poorer classes pay an advance of about 1*s*. 10*d*. per cwt. on 1,036,632 cwts. of coarse flour and bran, making 95,025*l*. This shows the advanced price which the lower orders of society in these countries are obliged to pay, in consequence of the encouragement given to the import of flour instead of wheat from France alone; but as the operation of the system has an effect on the prices of the coarse flour and offal of the produce of all the wheat ground in these countries, the actual enhanced prices paid by the poorer classes in Great Britain and Ireland amount to an enormous sum in the aggregate, and, moreover, additional expense and inconvenience arise in the rearing of young stock and poultry."

Now, Sir, it has repeatedly been stated that one reason why the French miller could beat us, was that they were superior manufacturers. An impression has gone abroad that the British and Irish millers were inferior in intelligence to their French competitors; but I believe nothing can be more unfounded than that they are inferior to any millers on earth either in intelligence, in their machinery, or in their mode of working. I do not wonder at this argument, for it has of late been quite the fashion with a certain party in this country to undervalue and run down our own workmen. The farmer, I well remember, has constantly been described as most deficient in intelligence, ignorant of his profession, uneducated and stupid, little better than the clod of the soil, and utterly unequal to the management of a farm, that perhaps he and his fathers had lived on in honour and comfort for thirty generations; he was opposed to all progress, a thing of a past age—brutal, boorish, and superstitious, strongly suspected of an inordinate love of beer, and a belief in witchcraft. The British sailor was also said to be drunken and mutinous, and attempts were made during the debates on the Navigation Laws, to prove that they as a class were undeserving of the countenance and protection of this House; the same course is now pursued with regard to the miller, and high authorities have told the British miller in (I must say) somewhat an insulting tone, that he should go to France and learn his trade. Now, Sir, I am happy to say that I am in a position to disprove this monstrous assertion, which I sincerely trust will never again be made.

The great object of the miller is the close separation of the farinaceous part of the grain from the skin, and the great test of good milling is the light weight of the bran (showing the complete separation of the flour from the bran). Tried by this criterion it was shown, by some returns laid before Sir Robert Peel in 1842, that the British millers were equal if not superior to the French. The produce of flour from the quarter of wheat of 480 lbs. was given from three different ports of the kingdom :—

LONDON.	lbs.	LIVERPOOL.	lbs.	NORWICH.	lbs.
First, or fines	313	Superfine	290	White	316
Seconds	50	Seconds	63	Seconds	36
Middlings, 3ds	17	Biscuit, 3ds...	28	Coarse	24
Coarse, ditto	15	Fine pollard .	12	Sharp	14
Bran	70	Bran	70	Bran & shorts	76
Waste	15	Waste	17	Waste	14
	480		480		480

This gives the total flour—London, 380lbs.; Liverpool, 382 lbs.; Norwich, 376 lbs. The qualities after the firsts or fines are all kept back by the foreign miller. Now, the manufacture of the Belgian and French millers is thus. From 480 lbs., a quarter of wheat :—

BRUSSELS.	lbs.	LILLE AND PARIS.	lbs.
Fine or first	260	Firsts	300
Seconds Thirds	122	Seconds Thirds	80
Offals	84	Offals	84
Waste	14	Waste	16
	480		480

Or, flour — Brussels, 380 lbs.; France, 382 lbs. Of this, therefore, but 260 lbs. is exported by the Brussels millers, who keep back 220 lbs., and France, 180 lbs. This is the ordinary make; but of the extra fine qualities, which compete so severely at Dublin, the French millers take but 240 lbs. out of 480 lbs. weight of wheat. The seconds and thirds named above are much inferior to the seconds and coarse of the English and Irish miller, as they contain the coarse middlings of the London miller, the fine pollards of the Liverpool miller, and the sharps of the Norfolk miller; and it will be seen that the 84 lb. weight of offals made by the foreign miller shows them to be worse manufacturers of weight than the English, as their weight of offal is but 70 to 76 lb., and as the price of offals is but half that of wheat, the less made of that quality the better for the miller. Taking the manufacture of flour, as made into the qualities in the most general use, which are termed households or fines — of these qualities five times more are sold than any other sort, and of this 350 lbs. are taken from a quarter of wheat. It would, indeed, be surprising if it were otherwise, for good milling depends mainly upon good machinery, and as no one who visits the Great Exhibition can fail to perceive that we have beaten every other nation in the world in the manufacture of machinery, it is to be expected that the English manufacturer, with every improvement in machinery at his door, should be able to excel the French millers, who are obliged to buy their best machinery from this country. Why, Sir, the best mill in France is M. D'Arblay's, at Corbeille, and from the superiority and excellence of its machinery, it is called "The English Mill;" and so it should be, because its machinery was almost entirely made in this country. It is said again that the English miller could not compete with the French because he does not adopt the silk sieves; but the fact is, that they have been tried in England over and over again, and there is the greatest difference of opinion with respect to their merits; some of the oldest and most practical millers in the country being of opinion that the old wire sieve, improved as it has been by new patents, was the best mode of dressing the flour. The real reason why the French beat us is, that they have labour cheaper, they are comparatively untaxed; that they enjoy protective laws, and that the French Government, instead of throwing every obstacle in the way of the manufacturer, have from time to time taken his case into consideration, and have done everything they possibly could to increase and foster the production of French flour; and you may bring as many arguments, theories, and hypothetical cases as you like, to prove that it ought not to be so, but the plain fact is not to be denied—the French miller will ruin the English one if this competition goes on. There is another point connected with this case, which is rather remarkable. It was predicted, that as soon as we adopted free trade, our example would be followed by every other nation, and that the kingdoms of the world would speedily emulate each other in quickly following our footsteps. But the reverse is the case: Russia, America, and Germany are still as protectionist as ever; and so far is our new system from having been in the least degree copied by France, that they have actually, since 1846, taken steps to protect and foster still more, at our expense, their own millers and manufacturers. The French committee on the grinding of corn, to which I have already referred, have recommended the maintenance of the ordinance allowing the grinding of wheat in bond, under certain new regulations, the principal of which was that all hard foreign wheats, or wheats containing one-fifth hard corn, should be prohibited from being ground under its provisions. This shows, that so far is France from being inclined to open her ports, that she is in fact throwing restrictions in the way of importation, and is about to pass a law which will, to a considerable degree, have the effect of sending that article into our markets. The linen trade is now the only staple branch of industry left to Ireland; and what has been the effect of the measures adopted of late years upon that trade? It appears, from a return upon the table of the House, that the following were the quantities of wheat and wheaten meal, respectively imported from France into Great Britain and Ireland, during—

	Wheat.	Wheaten Meal or Flour.
1842	469,707 qrs.	164,690 cwt.
1850	595,355 „	1,925,175 „

Of linen yarn there was exported from the United Kingdom into France during the same periods:—

1842	22,202,292 lbs.
1850	690,602 „

It will be perceived that the export of linen yarns from Great Britain and Ireland to France reached its maximum in 1842, and in that year amounted to 22,202,292 lbs., but declined in 1850 to 690,602 lbs. The value may be estimated as follows:—

1842, 22,202,292 lbs. at 1*s.* 5*d.* per lb. 1,572,661*l.*
1850, 690,602 lbs. at 1*s.* 5*d.* „ 48,917*l.*

High duties in France gradually diminished the export. It will be seen that in 1845 the quantity exported had been reduced to about 9,000,000 lbs. Not satisfied with this reduction, on the following year an augmentation of duty of about one-third was imposed on the finest kinds, being those chiefly continued to be imported; and thence the reduction of export still more radiply proceeded. But other and more extraordinary means were resorted to. The importation of linen yarns from Belgium was encouraged, as will appear from the following scale of duties which still exist in France on their importation from Great Britain and Ireland and from Belgium:—

	From Great Britain and Ireland.			From Belgium.	
1st Class 1 to 9½ leas	41*f.*	80*c.*	...	19*f.*	36*c.*
2d „ 10 to 19½	52	80	...	27	04
3d „ 20 to 38	88	0	...	48	40
4th „ 40 to 58	137	50	...	33	60
5th „ 60 and upwards.	181	40	...	98	56

Per 100 Kilogrammes 220lbs.

It will be perceived that Belgium yarns have been, and are, admitted at little more than half the duties imposed on those from Great Britain and Ireland, and that the export from the latter countries has been nearly annihilated, having been reduced to one-thirtieth part of what it was in 1842. I do not pretend to say that our linen manufacturers have not increased. I rejoice to say that the contrary is the case; but I do say, that as far as France is concerned, she has had all the gain, without giving any corresponding advantage to us: we have taken and paid in hard cash for her flour, and she has taken less of our only manufactured production from us. This, Sir, is now the case of the Irish millers. And I now ask the House whether they will refuse to take these matters into their serious consideration? I believe that the new system of commercial policy which has been adopted, has caused great suffering in Ireland, and that it materially retarded that improvement which they had a right to expect, now that the famine was over. I believe that in consequence of that policy she is now in danger of losing her only market for her only produce. By the vote which I ask the House to come to this night, I wish you to say whether you are prepared to continue, without any hesitation or alteration, a system which I think I have proved to have been productive of such evil results. I do not attempt to conceal (indeed it would be affectation to do so) that the Vote I shall to-night ask the House to come to is a Vote of want of confidence in the new system. Has it answered any of your expectations? How many more interests will you consent to see ruined? Her Majesty's Government have already acknowledged that agriculture was in a distressed condition.

I have myself proved to-night that an interest second to none in the kingdom in importance—that of the manufacturer of wheaten flour—was, perhaps, in a state even still more depressed than the agriculturists; and I wish to know if hon. Members on the opposite side of the House still think their system a good one—whether they are now prepared to say how many interests they are prepared to see destroyed before they acknowledge that this system has not worked all they wished or expected from it? It may be the best system in the world; but I want to know what it is worth—what are you prepared to pay for it—what national loss it will be safe to incur in order to secure the blessings of free trade? I believe that the present is no more a system of free trade than of any thing else. It is not free trade, but a system of protection to the foreigner, which enables him to compete, on unfair terms, in our own markets, with our own people. All that I and those who act with me desire is, that the markets may be thrown open, fairly and equally, to the produce of our own industry, as well as that of foreign countries. We have been called selfish persons—the advocates of monopoly, and the opponents of unrestricted trade! Never was anything more untrue. We are desirous of competition, but it must be a fair and equal one. We do not wish to foster a class or exalt an order, or to give to one interest in the State an advantage above another. But we do say that the quarter of wheat grown on the banks of the Mississippi, the Volga, or the Elbe, should, when it appears in our markets, be subject to somewhat the same charges, and contribute as much to the revenues of the State as that grown by the Tweed, the Trent, or the Shannon. And likewise, if the produce of the French manufacturer should seek the advantage of our superior market, it should be subject to like burdens as our own. Sir, I little know what the result of the division to-night may be; but of one thing I am certain, that the principles I have this night humbly endeavoured to advocate, are everlasting—indestructible; I cannot imagine that a system under which, with God's blessing, England has attained to a degree of power and glory unknown to history, can be by a single Act of Parliament, swept from the hearts and recollections of the people of this country; I cannot believe that the nation will soon forget a system which made England the queen of commerce, the mistress of the seas; a system which made your merchants princes, and enabled you to send your sons to govern, with imperial sway, distant nations in every quarter of the globe; a system based upon a principle implanted in every bosom—so deeply rooted in our hearts, that it finds expression in the homeliest proverb in our tongue, the first law of nature—self-preservation.

Motion made, and Question proposed—

"That this House will, on a future day, resolve itself into a Committee, to take into consideration the present state of the Milling Interest in Ireland."

Mr. LABOUCHERE said, that though it was not his fortune to agree with the noble Lord either in his conclusion or his argument, yet he willingly bore testimony to the industry the noble Lord had evinced in making himself acquainted with the facts of the case, as well as to the temperate manner in which the subject had been introduced. The noble Lord's Motion should have been one not to ask the House to restore protection to the Irish millers, but to ask them to restore the Corn Laws. For he thought the noble Lord himself would acknowledge that, although his Motion merely asked the House to go into Committee to consider the propriety of restoring protection to the Irish millers, it was impossible they could separate the Irish millers from the English millers; and if they restored protection to the millers of one country, they must do the same with regard to those of the other. He thought the House would go further, and, whether Protectionists or Free-traders, would be prepared to say, that if any one was to be protected, the farmer had quite as good a right to protection as the miller; and if it should be the opinion of the House that they should retrace their recent steps and restore protection, he trusted that they would take some other opportunity of expressing that opinion than by assenting to the Motion of the noble Lord; for if they did not mean to restore protection as a principle, they did nothing but delude that class of men by proposals like the present one. If they thought, however, that they had no reason to repent of the course which had been pursued—if they thought that that course had borne its fruit in the general contentment and prosperity of the great body of Her Majesty's subjects, they would ill represent the people, whose interests they were bound to protect, if they were to falter or hesitate in supporting that policy. He hoped that no one would go away with the impression that they could act consistently in supporting that policy, and at the same time agreeing to such a proposal as the noble Lord had now submitted to the House. He thought that he should be able to show, not that individual millers had not suffered—for he admitted that both in England and Ireland individual millers had, from the altered circumstances of their trade, sacrificed much of their capital, and were in a condition of distress—but then he would at the same time venture to say that there was not the slightest ground for asserting that the millers as a class had not quite as much employment in the last few years as at any part of the preceding period, or that there was any reason to suppose that, as a class, they are not just as well able to compete with foreign millers as any class of English manufacturers are with any class of foreign manufacturers who may be their rivals. The argument with respect to the taxes paid in this country, and the high price of labour here, obviously applied equally to all branches of manufacture. So far from there being a special case made out for the protection of millers, nothing more preposterous was ever attempted to be urged upon the House. He thought it could be proved that the millers of the United Kingdom had as much to do since the Corn Laws were repealed, as they ever had to do before. The produce grown in the United Kingdom had not diminished in the least. It was true there had been a greater importation of breadstuffs since that period, but they had mainly come in grain, and not in flour. He would state to the House the quantity of wheat and wheat-flour that had been imported into the United Kingdom during the last ten years. In 1841, of wheat, 2,409,754 quarters; wheat-flour, a quantity that was equivalent to 360,894 quarters; in 1842, of wheat, 2,717,454 quarters; wheat-flour, 322,815 quarters; in 1847, of wheat, 2,656,455 quarters; of wheat-flour, 1,501,271 quarters; in 1849, of wheat, 3,845,373 quarters; of wheat-flour, 959,097 quarters; in 1850, of wheat, 3,754,593 quarters imported; in the shape of flour, 1,101,445 quarters; for three months of 1851, ending 5th of April, of wheat, 1,105,182 quarters; of wheat-flour, 382,575 quarters. The grain that was imported went through the hands of the millers of this country, and added to their business, besides the grinding they had of the produce of their own country. So much for the United Kingdom; but he had also a return from Ireland alone. In 1846 there were imported, 82,209 quarters of wheat, and 43,885 cwt. of wheat flour; in 1847, of wheat, 238,648 quarters, of wheat flour, 442,893 cwt.; in 1849, of wheat, 543,509 quarters, of wheat flour, 218,332 cwt. In the first three months of 1851, ending 5th of April, of grain 415,662 quarters; of flour, 99,373 quarters. A great alteration in the circumstances of trade was going on; those alterations, he believed, were in operation before any alteration had taken place in the law regulating the importation of corn. In many instances the smaller millers had been obliged to give up their trade in consequence of the establishment of steam mills and the introduction of machinery. He was informed that near Blackfriars-bridge an immense manufactory of this kind had been established, where they could turn out 7,000 or 8,000 sacks of wheat with 60 or 70 pair of stones. They were doing an immense business, and supplanting a number of persons who had been doing business elsewhere. He did not complain of any want of enterprise on the part of their millers. He felt confident that they could compete with their foreign rivals; and he believed that this competition had made them look about and adopt some improvements from their neighbours which would undoubtedly prove to their advantage. The competition had operated as a stimulus to the milling interest. It had induced the millers to improve their machinery, and he was informed that the greatest improvements were taking place in milling, both here and abroad. A very ingenious plan had been introduced in the grinding operations in the dockyard at Deptford; and from experience of it hitherto, there was reason to believe that it was eminently successful, and that the result would be such as to induce them to continue it. He therefore could have no fear that, in the long run, the millers of this country would not successfully compete with the millers in all parts of the world. The noble Lord complained that the French only sent their fine flour to this country, keeping the coarse at home; but he thought they might leave them to do just as they pleased in a matter of this description; for if it was worth their while to send it here, it would be sent. The noble Lord said that they took flour from France, but that

France would not take their linens, and that the French had adopted a restrictive policy towards them in return for their liberal system. He (Mr. Labouchere) thought it was for their interest to pursue that liberal system. The noble Lord had alluded to the Irish linen yarns; but he did not deny that the manufactures of Ireland had greatly prospered under the commercial system of the last few years, and that their exports had expanded, and that if France did not take them, some one else did take them. Had the noble Lord observed what was the increase of exports from this country to France during the last few years? If he (Mr, Labouchere) had known that the noble Lord would have brought forward the subject so prominently, he would have been prepared with the figures, but he must quote from memory. Looking back for a period of about sixteen years—since the time their commercial system was liberalised—the exports from this country to France had increased from about 400,000*l.* to 2,000,000*l.* He wished it was more, for the sake of France as well as for the sake of his own country. He regretted the restrictive policy to which France clung with so much tenacity; he regretted it for the sake of France as well as for the sake of England. They had an interest in the pursuit of peaceable industry by that great and ingenious nation that was their nearest neighbour; but if they were desirous for the destruction of France, or felt an interest in paralysing the commercial power of that country, they would rejoice to see her cling to a system which was incompatible with any great extension of her manufactures or commercial interests. As long as she did not supply herself with iron and coal, the great sinews of industry, as cheaply as other countries, she could never hope to compete with those countries in the great trade that was open to all the world. France might continue her restrictions with respect to navigation, by which she was able, in petty branches of commerce, to exclude all rivals; but she would never be able to enter the great field of competition with England and America, so long as she imposed upon herself shackles which those countries had the moral courage and the wisdom to get rid of. He really did not know that it was necessary for him to detain the House at any length on this subject. He was disposed to place his opposition to the Motion on no narrow exclusion, or on minute calculations, but on those broad principles on which he hoped the House would take its stand, and resist any attempt that was made to break them down. The noble Lord had talked of the partial injury which the free-trade measures had brought upon particular classes of the community; any change in commerce, even from bad to good, must always produce that result to a certain extent. But surely they were not without their compensation. It was but the other day he saw a document, not prepared in any Government office, not brought forward by men desirous of supporting any system of political economy or any party in the State, but by men engaged solely in a work of benevolence and charity; he meant the report that was made by those excellent persons who were occupied as district visitors, in visiting the haunts of the poorest and most distressed portions of the population that inhabit this mighty city. He was most forcibly struck with the almost uniform tenor of that report. There was a succession of queries with regard to the condition of the humbler classes of the community in this city within the last two years, as compared with preceding periods; and there were the answers given to those queries by medical men, clergymen, and men of all sorts and descriptions who were engaged in this charitable office; and they almost all stated that a great and manifest improvement had taken place in their physical condition, in their outward appearance, in their moral habits, in their cleanliness—in fact, in every particular that constitutes the well-being and comfort of human beings. In very many instances they traced the improvements that had taken place directly to the increased means of obtaining provisions cheaply which those people have had during the last three years. These were the real objects which it was worth the while of the House to legislate for; and if the House, as he believed, were satisfied that by recent legislation they had obtained those objeects, and had promoted not only the material comfort, but the moral condition and practical contentment, of the great body of their countrymen, he hoped they would pause before they were moved, by any partial case being stated of any particular set of men in this country, to sacrifice that which ought to be the main object of all their deliberations, namely, the general well-being of the great body of the people. He therefore called upon the House not to support the Motion of the noble Lord, and he should feel it his duty to give it the most decided negative.

MR. JOHN STUART would call the attention of the House to a petition which he had presented from Newark, which stated that free trade was operating injuriously on all classes in the country. The right hon. Gentleman the President of the Board of Trade had admitted the distress of the millers, but told them to console themselves with the general prosperity. If the condition of the London poor was improved, he rejoiced at it, but he doubted the fact. All the noble Lord (Lord Naas) sought by his Motion was an inquiry into the condition of the milling interest in Ireland. The right hon. Gentleman (Mr. Labouchere) took alarm, and said they might as well ask the repeal of the Corn Laws; but why should not the whole question be raised? The Government had admitted the agricultural distress in Her Majesty's Speech; what had they done to relieve it? The case of the miller was the same with that of the farmer, the landowner, the mortgagee whose capital was invested in land, and that of every tradesman depending on the agricultural interest. It was, therefore, no small class question, but one affecting a class three times as numerous as any other. The complaints of such a body ought at least to be respectfully attended to, and calmly and deliberately discussed. Nothing of the kind had been done in the present Session. True, the Motion of the hon. Member for Buckinghamshire (Mr. Disraeli) had been defeated by only a very small majority; but in the other House the case of the agriculturist had never been brought forward at all, and hence the responsibility thrown on this House was the greater. It would never do for a Government to disregard suffering and complaining classes. Experience showed the fatal result of so doing in the case of the West India interest, which was entirely ruined. Now, the right hon. Gentleman (Mr. Labouchere) told them, "You have nothing to do but submit to it; for there can be no great fiscal change without ruin to some class." The ruin of classes was a very formidable consideration for a Government. What was the condition of Ireland as a country? The provision trade of Ireland had been destroyed by the legislation which opened the ports of the West Indies, for by that means the Irish provision merchants were undersold in the West India market. By a singular retribution, the cry for free trade had begun with the now ruined West India interest, who closed their markets against Irish produce; let another class, who had clamoured for free trade, be warned in time and open their eyes. No one would deny that the commercial legislation had seriously increased the embarrassments of Ireland. The millers of that country were deeply suffering; and those who refused their request would incur a heavy responsibility. It was truly said the millers would be the last to complain, as free trade brought them the raw material of their trade. Nevertheless, they did complain, either with or without reason; inquiry ought therefore to take place. The millers now petitioning were free-traders not long ago. The Mayor of Stockport—the borough formerly represented by Mr. Cobden—was one of those who now begged for a reconsideration of the free-trade system. Not only in France, but in the United States, all the most eminent statesmen were in favour of a protection to their own industry, and they prognosticated that before long a general change would take place in the popular feeling here, and that the Legislature would be compelled to reopen the question of free trade. The parties now complaining wished not for consideration of their own particular case, but that of the whole question. It should be remembered, that whatever might be our present prosperity, it might have been far greater but for the free-trade system. He recommended the noble Lord at the head of the Government, and the right hon. President of the Board of Trade, to study the Transatlantic writers, one of whose works well expressed the object aimed at by his (Mr. Stuart's) noble Friend, namely, the *Harmony of Interests, Agricultural, Manufacturing, and Commercial.* Ministers appeared to have had for a text-book Franklin's *Rules for making a Great Empire a Little One;* and the rule "If people make complaints, don't listen to them, and tell them they must suffer," had been faithfully worked out in Ireland. The Minister who was the author of the recent changes in their commercial system had promised the agricultural interest compensation for some portion of the loss it had sustained, and had read from Adam Smith to show that that interest was a class the least obnoxious to a charge of monopoly. The noble Lord at the head of the Government must himself recognise the truth of the description that was referred to by the late Sir Robert

Peel. It was only in Ireland that the free-trade system had had its full scope, and its result was evident. It was to be feared that the fate of Ireland might foreshadow that of England, from the same cause. They admitted the distress, but applied Franklin's rule, and said that classes must of necessity be ruined by great commercial changes. But was it necessary, for the benefit of all, or compatible with the benefit of all, that class after class should be ruined? Was three-fourths of the property of the kingdom to be swept away, and the Government quietly to look on? He had never before heard it propounded as a principle of Government that you must ruin somebody. Such a course was the surest they could adopt to make a great empire a little one. What the right hon. Gentleman (Mr. Labouchere) said about free trade being a general benefit, was mere rhodomontade; for he had referred to no facts and adduced no arguments that established his proposition. It would be a heavy responsibility to refuse this Motion; but he trusted the Government would feel themselves bound to accede to the proposition of the noble Lord. It was said the labouring classes were better off than formerly, and no doubt there was not that distress amongst agricultural labourers that might have been anticipated; but the reason was that the landed proprietors spent their money in the employment of the labourers, without the least hope of thereby increasing the value of their estates. How did Ministers mean to answer this fact? They had reduced the value of land in Ireland to twelve years' purchase, but did they thereby enhance the value of land in England? On that very day, an English estate was put up for sale under judicial authority, and the reserved price was fixed at 70,000*l*., but the highest bidding that could be obtained for this choice land in Suffolk was 60,000*l*. The condition of England was rapidly approaching that of Ireland, which under the present system of commercial legislation was most deplorable. He regretted that the right hon. Gentleman the President of the Board of Trade, strong in the numerical force of his party, should declare his determination to negative this Motion for inquiring into the admitted distress of the agricultural class. He thought a day of reckoning would come to both Ministerial and Opposition Members, for neglecting, on both sides, the agricultural interests. He (Mr.

Stuart) did not envy the Minister or the individual Member who might vote against that Motion, looking forward to the day of reckoning which his constituents would certainly exact from him. The celebrated Adam Smith had stated—

> "That the country gentlemen and farmers were of all people the least subject to the wretched spirit of monopoly. Dispersed in different parts of the country they could not so easily combine as the merchants and manufacturers collected in large towns, and who, actuated by that exclusive corporation spirit which prevailed, naturally endeavoured to obtain against all their countrymen the same exclusive privileges which they possessed against the inhabitants of all the other towns."

In the United States they possess most accurate information with respect to the state of trade in this country. In the Patent Office of the United States they would find a more accurate description of the trade of Liverpool than could be found anywhere else. How did it happen that in the United States—where the controversy was carried on between the opposing commercial systems by men of great intelligence and ability—the result was arrived at that our legislation of 1846, as regarded the corn laws, was based on a total misrepresentation of the facts? It was asserted by all classes that the agricultural body had been sacrificed to the manufacturing interests of Manchester, who were now engaged in forwarding subscriptions to America, there to maintain a class of writers who were engaged in the feeble attempt to disseminate to their full extent the principles of free trade in that country. He held in his hand a transatlantic publication (the author of which was Mr. Carey) warning his fellow-countrymen by the impending fate of England, showing that the manufacturers of England were engaged in a struggle to maintain themselves as the manufacturers of all the world, at the expense of the commercial interest; and the inference derived from it by the American philosopher was ruin to England. Notwithstanding the taunts of the right hon. Gentleman (Mr. Labouchere), he (Mr. Stuart) thought that English machinery and English millers were better than the French, and in support of that assertion he referred to a statement that had been put forward by a man eminent as a miller and a capitalist in Newark, Mr. Thorpe. It was to this effect:—

> "Lord Grey had told the House of Lords that the English millers did not know their business, and held up the French millers as superior. From what he (Mr. Thorpe) saw of French milling, he could only say that were English millers to per-

form their work in such a way, he, for his part, would long since have been in the *Gazette*. The French milling he considered would be disgraceful to English millers. Let the Government only take away the burdens under which they laboured, and place them on an equality with the French millers, and the English would soon leave them where they always left them—second."

That was the opinion of an eminent man in the milling interest; and, therefore, he did not think it fair that men suffering as they were just now, should be taunted in such a manner. The proposition before the House only invited an inquiry, and if it were negatived, a great responsibility would be incurred by Her Majesty's Ministers.

MR. CHISHOLM ANSTEY supported the Motion, but conceived there was nothing in it which justified the allusions to the West Indies, to the cotton spinners of Manchester, to the philosopher of America, or to the shipping interest, all of which formed the staple of the speech of the hon. and learned Gentleman the Member for Newark (Mr. J. Stuart). It might be true that an estate in Suffolk which had been worth 70,000*l.* was reduced by Chancery management to 60,000*l.*, but they had not now to consider the depreciation that had taken place in the value of that estate, or of any other estate. He believed that the Irish Members who voted for free trade did well, upon a general consideration of what was for the common good, by giving their votes for it; and in voting for the Motion of the noble Lord (Lord Naas), he (Mr. Anstey) thought he was doing nothing to endanger that measure. He could not see how a measure that had cheapened wheat could injure the millers. He thought it could be proved before a Committee that it was not by the alteration of the Corn Laws they were a suffering interest, but in consequence of the mischievous interference of Parliament in the local concerns of the Irish people. It was caused also by the want of capital, which want was increasing; and he believed that before a Committee facts would be elicited to establish what he stated. There was nothing in the Resolution that would oblige the House to refer to any asserted case of distress; and he would be prepared to state in Committee his views of that distress, and any other Member might do the same. He hoped he should be able to satisfy the millers that they were mistaken in supposing that the remission of the former high duties on flour had any effect whatever in producing their present and undeniable distress. They were mistaken also in supposing that the calamity was more than temporary, and it could be removed without interfering with that liberty of commerce from which all classes had derived such undeniable advantages.

MR. ROCHE would not enter into the general question of free trade or protection. The hon. and learned Member for Newark (Mr. J. Stuart) said that all the distress in Ireland arose from the late changes in our commercial policy. He entirely dissented from that statement. The diminution of the population of Ireland arose first from a famine, consequent on a dreadful visitation on the staple article of food in that country, which famine was mitigated, not aggravated, by the present commercial policy, and also from the unsatisfactory relation of landlord and tenant in that country. The real question now before the House was, whether the importation of foreign flour to this country was to be prevented? [An Hon. MEMBER: No, no!] The object of the Motion of the noble Lord was to prevent the introduction of foreign corn into this country. He (Mr. Roche) had not been able to see that any special case of exemption had been made out in favour of this particular class. As a farmer, as a producer of wheat, he denied that wheat was a raw material at all. Why was the miller to have that protection which he, as a farmer, could not have? It had eked out of the speeches of the noble Lord (Lord Naas) and the hon. and learned Gentleman (Mr. J. Stuart), that the miller was no more a philanthropist than any one else. He was a free-trader so long as he did not expect foreign competition. By specially protecting the miller, they would place in his hand a rod which he would doubtless take every opportunity of laying on the shoulders of the farmer. The noble Lord said that the British miller was more experienced, and had better machinery, than the foreign miller. Why, then, if such was the case, did he require protection? The fact was this, that the millers of Ireland had not applied themselves with the same energy to improve their machinery as the millers of France and other countries had, and they were now consequently suffering for it. At the present moment many millers in Ireland were improving their machinery, and therefore the success of the Motion of the noble Lord would be injurious; it would only tend to perpetuate a bad system in Ireland. If the country wished to retrace its free-trade policy, that question ought to be decided by the country at the next election—and not by such piece-meal Motions as the present.

Mr. NEWDEGATE said, that the hon. Member for Cork was a bad interpreter; he declared that the object of the Motion of the noble Member for Kildare was to give exclusive protection to the miller as against the farmer. The noble Lord himself had stated, that that was not his object; and the President of the Board of Trade backed the noble Lord's assertion by condemning the tendency of the Motion, as in effect proposing the extension of protection, not to the milling interest only, but to the farmer and to the agricultural interest generally. The hon. Member was reduced to the plea that the distress of the Irish millers was owing, not to the effects of legislation (though the facts contradicted him), but to the stupidity and sloth of the Irish millers. He (Mr. Newdegate) supposed the hon. Member was anxious to stimulate the Irish millers. Perhaps the millers of Cork might return the compliment with advantage, by stimulating the intellect of their Representative. The facts of the case before the House appeared to him (Mr. Newdegate) clear enough. It appeared from the return of the Board of Trade, that the importation from abroad into the United Kingdom, in 1849, was—

Wheat	3,845,378	qrs.
Wheat flour	3,349,839	cwt.
Oats	1,267,106	qrs.
Oatmeal	40,229	cwt.

In 1845 the importations were of—

Wheat	871,710	qrs.
Wheat flour	945,864	cwt.
Oats	590,466	qrs.
Oatmeal	3,052	cwt.

Showing an increase in wheat of 339 per cent; in wheat flour, 244 per cent; in oats, 113 per cent; and in oatmeal, 1,233 per cent since the repeal of the corn laws. The importation from Ireland into Great Britain in 1845 was—

Wheat	372,719	qrs.
Wheat flour	1,422,378	cwt.
Oats	1,679,958	qrs.
Oatmeal	1,059,184	cwt.

In 1849 it was—

Wheat	101,865	qrs.
Wheat flour	460,534	cwt.
Oats	666,542	qrs.
Oatmeal	715,825	cwt.

Showing a decrease in the importation from Ireland in 1849, as compared with 1845, of wheat, decrease, 73 per cent; wheat flour, 66 per cent; oats, 61 per cent; oatmeal, 32 per cent. It might be said, that the increased importation of foreign grain tended to the advantage of the milling interest, though to the injury of the agricultural interest of Ireland; but the noble Mover had shown how little ground there was for this assertion; no such argument could be used with respect to the importation of wheat flour and oatmeal, the articles manufactured by the miller. The increase of the importation from abroad of wheat flour and oatmeal was scarcely less enormous than that of grain. There was an excess of importation of wheat flour and oatmeal from abroad, of 2,441,152 cwt.; while the diminution of the importation from Ireland into Great Britain in 1849, as compared with 1845, was 1,305,203 cwt. The decrease of the Irish supply of wheat flour and oatmeal was equal to one-half of the increase of the foreign supply on a comparison of 1845 and 1849. In 1849 there were imported from foreign parts, 3,390,068 cwt. of wheat flour and oatmeal, more than threefold the 948,916 cwts., imported in 1845. In 1845 there was imported from Ireland, 2,481,562 cwt. of wheat flour and oatmeal, while in 1849 there was only 1,176,359. This showed that the foreign supply in 1849 to the United Kingdom was threefold that of 1845, while the Irish supply to Great Britain had fallen off one-half. He (Mr. Newdegate) was here anxious to advert to bold and bald assertion, frequently made by free-traders, with respect to the increased importation of breadstuffs. They said, True, this increased importation of four or five million quarters has taken place, but it has been consumed: the inference is, that without it four or five million people would have suffered from hunger. But a cursory review of the state of the supply of home-grown and of the wheat imported from abroad, would show, that without this excessive importation, had the corn laws not been repealed, this country would not have suffered from famine, but would have been supplied with wheat grown at home instead of wheat imported. He (Mr. Newdegate) had not the accounts for Scotland relating to the sales of wheat, which he regretted, because the improvement and extension of agriculture in Scotland up to 1846 was proverbial, and the evidence of it would have strengthened his case. He adverted to the returns of 1849, as the last furnished by the Government to the House.

1845.

Wheat returned as sold in the 290 markets of England and Wales	6,666,240 qrs.
Ditto of Irish growth imported .	779,113
	7,445,353
Wheat and flour imported from abroad	1,141,957*
Total......	8,587,310

* Equal to one-eighth of total consumption.

1849.

Wheat sold in the 290 markets .	4,453,982 qrs.
Ditto of Irish growth	233,446
Wheat and flour imported from abroad	4,835,280*
Total......	9,522,708
Increase of importation of foreign wheat and flour in 1849 over 1845	935,398 qrs.

* Equal to one-half of total consumption.

The demand for and consumption of this increased quantity of foreign wheat and flour was easily accounted for by the increase of the population in the five years, which was about one million, and equal to one quarter per head. Now, this increased demand for one million quarters, would, if there is any truth in reasoning from analogy, have been supplied by the extension and improvement of our domestic agriculture, had not the corn laws been repealed, as was proved by the increased supply furnished by our own internal agriculture during the three years before the repeal of the corn laws.

THE QUANTITIES SOLD IN THE 290 MARKETS OF ENGLAND AND WALES.

	Qrs.
1843	5,302,298
1844	5,456,307
1845	6,666,240*

* Increase of 1845 over 1843...1,363,942.

QUANTITIES OF WHEAT OF IRISH GROWTH IMPORTED INTO GREAT BRITAIN.

	Qrs.
1843	413,466
1844	440,153
1845	779,113

		Qrs.
	1845......	779,113
Deduct......	1843......	413,466
Increase of 1845 over 1843		365,647
Add increase of wheat as sold in the 290 markets in 1845 above 1843...		1,363,942
Total increase of home production in 1845 above that of 1843		1,729,589

If, therefore, the improvement of agriculture had not been checked by the interference of the Legislature in 1846, there could be no doubt the home supply would have kept pace with the population; for there was no reason to doubt that the increased production of home agriculture by improvement during the four years ending with 1849 would have been tantamount to the increased production of the three years ending with 1845, and more than equal to the increased demand. That was his answer to the bold assertion that the supply was wanted, and that it was eaten; and to the false inference that it could not have been supplied on reasonable terms, otherwise than from foreign countries, which was put forth in palliation of the disadvantages and danger incurred by the dependence of the people of this country upon foreigners for food. Another fact was, that France had, instead of being an importing country, become an exporting country in the last five years. Alexandre de Jonnés, the chief commissioner deputed by the Minister of Agriculture, in 1849, to take a survey of the agricultural departments, says, in his official report, *L'Agriculture Française*, p. 414:—

> "In 1845, when I first made my official survey, I had found that France hardly produced as much corn as is necessary for her consumption. [France imported corn in 1844 in value 17,000,000f.] But since that period a new era has begun in our agriculture, owing to the repeal of the English corn laws. More than 3,000,000 of hectares (about 5,000,000 English acres) of waste land in the southern departments, from Languedoc to Avignon and Pictou, have now been cleared and made arable; and France, from being an importing country of grain, has now became an exporting, sending the produce of more than a million of quarters of wheat, besides vast quantities of flour, to the English markets."

But this evidence of the transfer of the supply of corn from our own to foreign lands was not confined to France. Baron Reden, Speaker of the Diet at Berlin, in his valuable work, *German Statistics* for 1850, says (p. 145)—

> "How far England had benefited by the repeal of the corn laws in 1846, time will teach us, while the immediate advantages derived from it are reaped by the agricultural States of Northern Europe, such as Prussia, Denmark, and Russia. Prussia produced in 1845, 3,500,000 qrs. of wheat; in 1849, more than 5,000,000 qrs. Denmark produced in 1845, 1,700,000 qrs.; in 1850, 2,500,000 qrs. Russia exported corn in 1841, in value, equal to 10,382,000 roubles silver; in 1842, equal to 12,191,000 roubles; in 1843, equal to 18,899,000 roubles; in 1844 and 1845 nearly the same; but in 1846, equal to 20,000,000 roubles; in 1847, equal to 25,000,000 roubles; 1848, 30,000,000 roubles; and in 1849, 33,000,000 roubles."

The increased produce of France was caused by the opening of the English ports, and so was that of the northern countries of Europe, at the expense of the English agriculturists; and if the French producer was embarrassed by lowness of price, that was occasioned by the competition of other foreign produce in our markets, which distressed the French as well as the English agriculturist. The case of the English millers had been touched upon during this debate. They had found it necessary to form a league for the common defence against the evils entailed by legislation. He (Mr. Newdegate) would not further take up the time of the House by citing their representations of distress, than by reading the postscript of a very remarkable letter, addressed this spring by a miller at Wakefield, Mr. Jackson, to the hon. Member for the West Riding. Mr. Jackson had been a free-trader and an active supporter of that hon. Member, and was one of his constituents. He had been to France, last winter, to examine the causes and state of the competition from which the milling interest suffered. This was the postscript to Mr. Jackson's letter:—

> "P.S.—I had meant to have given you my reason for the superior position of the French. They have the millstones without duty; we have them from that country. They only pay their best workmen 15 francs per week, while we pay 25*s*. They pay no poor-rates for their large mills, and they have advantage that we have, that I know of. I might just refer you to a distinction that has been conferred on a French miller by the President of the French Republic this last week. M. Parbleu, jun., no less than the Legion of Honour, for the impetus he has given to the manufacture of flour in France for exportation. There are no such distinctions as these in England to millers; their distinction will be the *Gazette.*"

Such was the representation made by an English miller, a quondam free-trader, to the hon. Member for the West Riding, and his assertions and experience were supported by those of the great body of his class in England. The noble Lord the Member for Kildare had done this country good service and himself great credit by the ability, with which he had stated the case of the Irish millers; and he (Mr. Newdegate) had great pleasure in supporting his Motion.

Mr. J. WILSON said, that he could not possibly understand how the hon. Gentleman who had last addressed the House could make out that the greater importation of wheat, which he had said had taken place in 1849, as compared with 1845, could be injurious to the milling interest of this country. He knew that the hon. Gentleman also said that a great importation of flour had taken place; but even taking both together, the result would show an increased trade in favour of the miller. The noble Lord who introduced the question rested his case principally on the state of the milling interest of France, and on the advantages which the French millers possessed, in consequence of the state of the French laws, over the English millers. Now, it was of importance that the House should clearly understand the position of the French miller and the French law, in order that they should not be misled by the statements of the noble Lord in this respect. France enjoyed a protection to the utmost extent that the Legislature could give, and therefore, according to the noble Lord's views, that country should consequently enjoy the greatest agricultural prosperity. But the fact was not so, for if the English farmer was suffering, the French farmer was suffering still more. The last report of the Minister of Commerce described in the most deplorable terms the existing state of French agriculture, and the only suggestion made as a remedy was one which he believed the House would only be inclined to smile at—that the laws regulating the stocks to be kept on hand by millers should be made more stringent, and the stocks augmented. The noble Lord had stated correctly that, by the law of France, the millers of that country could import wheat into certain ports for the purpose of having it ground and re-exported in the shape of flour. But the farmers of France, during the recent agricultural distress in that country, conceived that the state of the law enabled wheat to be introduced which was not afterwards exported in the shape of flour, and they considered that their own distress was occasioned partly from this cause. An inquiry was consequently set on foot, and the result was that the law was modified, although the inquiry had not by any means established the fact that the privilege given to the millers was the cause of the low price of wheat. Now he admitted the fact that for three or four years the export of flour manufactured in bond in France had increased, and would probably still further increase. But what conclusion did he draw from that? The noble (Lord Naas) said, that the French mills were inferior to the English in every respect. But if French millers could bring wheat from Odessa, pay the expense of keeping it in bond, and afterwards re-export it in the shape of flour, and undersell the English miller in this country, there must be a great superiority somewhere. He was willing to admit that the first-class mills of France were known as English mills, but at the same time they should not forget that foreign countries frequently improved upon the improvements originally introduced in this country. There could be no doubt that the dryness of the French climate gave the French a great superiority in the sieving of their flour; but he had that day witnessed an experiment at the Government mill at Deptford, in which by an ingenious application of machinery, that natural superiority of the French climate was more than counterbalanced. The experiment was tried by a comparison of six pair of stones working on the old system, and six pair working on the new process. The result was that by the ordinary method, 147 hours, including eight hours for dressing, were consumed in grinding 500 quarters of wheat, whereas by the new invention only 79½ hours were consumed. The labour employed under the old plan was eight men, and under the new system only two men and a boy; and the coals consumed were as twenty-six to twenty tons. But this was not all, for under the new system the dust of the mill was entirely got rid of, and wheat that produced 10*s.* a quarter less in the market, was made into flour equal in quality to that of the high-priced wheat. It lost, of course in quantity, but that loss was in the offal, and not in the flour. He had been assured by a gentleman who had a mill at Reading on the ordinary principle, and a small mill in London on the patent principle, that he had ground a portion of the same quantity of wheat at each mill, and had been enabled to command a price of 2*s.* or 3*s.* a sack more in the London market for the flour ground on the new system, than for that ground at the old mill. In reply to the representations made as to the distress of the millowners, he might remind the House that during the last three or four years the millers had been rapidly extending their means of manufacture. Several large steam mills had been built in the metropolis itself, and an extensive mill, containing between sixty and seventy pairs of stones, was now in course of erection in the very heart of the city of London, within a short distance of Blackfriars-bridge. He thought, therefore, that the millers did not appear to be very much alarmed at foreign competition. The English millers had in many respects considerable advantages over those of France. The French millers, for instance, had to pay a large import duty upon the coal they consumed; there were also heavy taxes upon iron and machinery; and the cost of building a mill in France was, he believed, 30 or 40 per cent more than in England. The noble Lord had referred to the report to the French Government on grinding in bond; but he had fallen into a singular mistake in supposing that hard wheat, which was not to be ground in bond, was the worst kind, the fact being that it was very superior to the soft. Hence the alarm of the noble Lord at the best kinds of flour only coming here, was unfounded. It was said there were peculiar charges on wheat which did not attach to flour. The only one he knew of was the charge made by the city of London for metage, but that was purely local. A miller paid altogether 38*l.* 10*s.* for importing 1,000 qrs. of wheat; for 1,400 sacks of flour, which was about equivalent, the total charge was 52*l.* 10*s.* It was, therefore, impossible to say that the English miller laboured under any disadvantage compared with those abroad. He had one great advantage, however, for he saw how the trade must be done in future, and was preparing to do it. There were, however, some reasons which might account for the depression existing in the milling trade of Ireland at this moment. A letter quoted by the noble Lord himself who brought forward the Motion said, "French flour is so low, Irish wheat so little grown, and the labourers all gone to America." No doubt there had been a considerable diminution in the cultivation of wheat in Ireland, and this sufficed to account for much of the difficulty with which the milling interest was at present struggling. He believed that similar effects had been experienced in England. It had been calculated that the supply of home-grown wheat in the country towns had fallen off by 500,000 quarters; and he believed that the country millers had suffered in some degree from this cause.

COLONEL DUNNE rejoiced that the attention of the House should have been called to this subject. All the fault he found with the noble Lord's Motion was that it did not go far enough. He had no particular sympathy with the millers, as they were at first most violent free-traders. He thought that protection should not only be given to them, but to every interest in Ireland. He doubted the accounts which had been given as to the increased comfort and contentment of the people in the metropolis; articles were cheaper, and if the shopkeepers did not lose by them, the artisan did. He advocated this as the only means of restoring some degree of prosperity to the trader, and of comfort to the working man. Where, he asked, was the increased comfort and contentment boasted of in Ireland as the consequence of free trade? Was such improvement shown by an increase in the Customs and Excise? Was it proved by the scarcity of employment—the waning deposits in the savings banks—the crime lists of the assizes, or the 2,500,000*l.*, which would be lost to Ireland by the falling-off in the cultivation of corn? Was it proved by the levy of 22*s.* in the pound for poor-rates, and by the amount of emigration? The millers were not protected, like the manufacturers, by ten per cent duty on the manufactured articles from abroad. They purchased the millstones from France, and paid duty on them. He wished to see the inquiry proposed by the noble Lord extended to the effects of free-trade in all its branches, and he believed the result at which they arrived would be that it was ruining every interest in Ireland.

Lord NAAS:* Sir, the hon. Member for Westbury has made out a capital case for the prosperity of the milling trade, and has proved to demonstration apparently if the millers are not thriving, they ought to be. But, unfortunately for the argument, the opposite is the case, and my best answer to his assertion and his presumption is, that, notwithstanding the increased importations of raw grain, notwithstanding the many causes which, according to the hon. Member, ought to promote his prosperity, the miller never was in so evil a plight; and my statement, which has not been in the least degree controverted, is worth all the abstract theories, hypothetical cases, and ingenious calculations that can be brought against me. He has alluded to the Blackfriars-bridge mill, and says, with some plausibility, that a trade cannot be declining which can show a new manufactory rising up capable of grinding such an immense quantity of corn, and moved by such extensive machinery; but I must remind the hon. Member, that that mill was begun in 1846, before free trade was allowed, and its erection was continued during a time when the millers thought that they would profit by the new system, and make a good thing of free trade. How they have altered their opinion of late, the petitions with which the table of the House is covered clearly show. Though I have an insuperable objection to mention the names of private individuals in this House, I must (as the hon. Gentleman has mentioned Mr. White's name) say that that gentleman, whose character and position is unrivalled in the trade, is not at all satisfied with the present state of things. Why, Sir, it is notorious that that gentleman attended and presided at, not very long ago, a meeting in Mark Lane, to take into consideration the depressed state of this great interest, and to devise means for bringing the case before the public. To Mr. White, therefore, I leave the hon. Gentleman—he could not be in better hands, and I can only hope that he will follow his advice and attend to his suggestions. With regard to Bovill's Patent, so confidently put forward by hon. Members on the other side as a means whereby we shall be able to compete with France, I can only say, that a considerable doubt as to its efficiency still exists. I should be very sorry to say anything calculated to injure that gentleman or his invention, which doubtless possesses merit. But I am bound to remember that it has been tried and found wanting by Mr. Kidd, of Isleworth; Mr. Thorpe, of Newark; Mr. Packman, of Eu; Mr. Charrington, of Carshalton; and several other millers of experience. It may be of some use to bad millers, but it is the greatest absurdity to imagine that it is of sufficient value to place the British miller on an equal footing with his French competitor. Sir, it may be said of this as of all other improvements in machinery and mode of manufacture, that the French will have them as soon as we ourselves, if they are of any value. Why, Sir, M. D'Arblay himself is actually at this moment in this country making inquiries regarding Bovill's Patent, in order, if he approves of it, to adopt it in his own mills; so that our improved machinery cannot alter the present relative position of the trade in the two countries. Sir, I entreat the House not to reject this Motion. My statement—my assertion—that this great interest is in a state of unexampled depression, remains uncontroverted—the Minister has himself admitted it; its importance is undoubted—its distress fully demonstrated; and I would fain hope that a House even constituted as this is, containing a large majority of Members professing to approve of the new commercial system, will have the generosity to inquire into a circumstance which they themselves then never contemplated, when the measure was passed—into misfortunes occasioned by their own acts.

Question put:—The House *divided*:—Ayes 93; Noes 128: Majority 35.

List of the AYES.

Anstey, T. C.
Archdall, Capt. M.
Baldock, E. H.
Bankes, G.
Baring, T.
Barron, Sir H. W.
Barrow, W. H.
Bateson, T.
Blandford, Marq. of
Boldero, H. G.
Booth, Sir R. G.
Boyd, J.
Bramston, T. W.
Brisco, M.
Brooke, Lord
Brooke, Sir A. B.
Buller, Sir J. Y.
Burrell, Sir C. M.
Burroughes, H. N.
Butler, P. S.
Cabbell, B. B.
Chichester, Lord J. L.
Christopher, R. A.
Conolly, T.
Dick, Q.
Disraeli, B.
Dundas, G.
Dunne, Col.
Edwards, H.
Forbes, W.
Freshfield, J. W.
Gallwey, Sir W. P.
Gaskell, J. M.
Gilpin, Col.
Gooch, E. S.
Goold, W.
Granby, Marq. of
Grogan, E.
Hallewell, E. G.
Hamilton, G. A.
Hamilton, J. H.
Hayes, Sir E.
Heneage, E.
Henley, J. W.
Herries, rt. hon. J. C.
Hodgson, W. N.
Howard, Sir R.
Hudson, G.
Jones, Capt.
Langton, W. H. P. G.
Lennox, Lord A. G.
Lennox, Lord H. G.
Leslie, C. P.
Lindsay, hon. Col.
Lowther, hon. Col.
Mackenzie, W. F.
Magan, W. H.
Meagher, T.
Mandeville, Visct.
Manners, Lord G.
March, Earl of
Maxwell, hon. J. P.
Miles, P. W. S.
Mullings, J. R.
Mundy, W.
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir L.
O'Flaherty, A.
Packe, C. W.
Plumptre, J. P.
Portal, M.
Prime, R.
Renton, J. C.
Reynolds, J.
Rushout, Capt.
Scully, F.
Seaham, Visct.
Sibthorp, Col.
Smyth, J. G.
Spooner, R.
Stafford, A.
Stuart, J.
Sturt, H. G.
Taylor, Col.
Thompson, Ald.
Tyler, Sir G.
Verner, Sir W.
Vesey, hon. T.
Vyvyan, Sir R. R.
Vyse, R. H. R. H.
Willoughby, Sir H.
Wynn, H. W. W.

TELLERS.
Naas, Lord
Newdegate, C. N.

List of the NOES.

Adair, H. E.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Anson, hon. Col.
Armstrong, R. B.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Bell, J.
Bellew, R. M.
Berkeley, hon. H. F.
Birch, Sir T. B.
Blackstone, W. S.
Blair, S.
Bouverie, hon. E. P.
Boyle, hon. Col.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Bunbury, E. H.
Cardwell, E.
Carter, J. B.
Cavendish, hon. C. C.
Cavendish, W. G.
Chaplin, W. J.
Charteris, hon. F.
Childers, J. W.
Clay, J.
Cobden, R.
Cockburn, Sir A. J. E.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, W. S.
Crowder, R. B.
Davie, Sir H. R. F.
Dawes, E.
Denison, J. E.
Duncan, Visct.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ellice, rt. hon. E.
Ellis, J.
Elliot, hon. J. E.
Evans, J.
Ewart, W.
Fergus, J.
Ferguson, Sir R. A.
Fitzwilliam, hon. G. W.
Forster, M.
Freestun, Col.
Geach, C.
Gibson, rt. hon. T. M.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grenfell, C. P.
Grenfell, C. W.
Grey, R. W.
Grosvenor, Earl
Hall, Sir B.
Hallyburton, Lord J. F.
Hanmer, Sir J.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Headlam, T. E.
Henry, A.
Herbert, rt. hon. S.
Heywood, J.
Hobhouse, T. B.
Hollond, R.
Howard, Lord E.
Hume, J.
Kershaw, J.
Labouchere, rt. hon. H.
Lawley, hon. B. R.
Lewis, G. C.
M'Gregor, J.
Martin, J.
Matheson, Col.
Melgund, Visct.
Milner, W. M. E.
Mitchell, T. A.
Morris, D.
Mostyn, hon. E. M. L.
Murphy, F. S.
Osborne, R.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Pechell, Sir G. B.
Perfect, R.
Pinney, W.
Ponsonby, hon. C. F.
Power, Dr.
Price, Sir R.
Ricardo, O.
Rice, E. R.
Rich, H.
Roche, E. B.
Rumbold, C. E.
Russell, Lord J.
Salwey, Col.
Sandars, J.
Scholefield, W.
Seymour, Lord
Smith, J. A.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stansfield, W. R. C.
Sutton, J. H. M.
Tancred, H. W.
Thompson, Col.
Thornely, T.
Trevor, hon. T.
Tufnell, rt. hon. H.
Vane, Lord H.
Walmsley, Sir J.
Watkins, Col. L.
Willcox, B. M.
Williams, J.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wrightson, W. B.

TELLERS.
Hayter, W. G.
Hill, Lord M.

The House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, July 16, 1851.

MINUTES.] PUBLIC BILLS.—2° Local Acts (Preliminary Inquiries).
3° Stock in Trade.

METROPOLITAN WATER SUPPLY.

MR. T. DUNCOMBE wished to know what were the intentions of the Government as to legislating upon this subject during the present Session?

LORD JOHN RUSSELL said, he had to state, in answer to the question of the hon. Gentleman, that seeing the lateness of the Session, and looking to the protracted inquiry now being carried on before the Committee to which the Bill of the Government had been referred, it was not the intention of the Government to proceed to legislate on the subject of the water supply for the metropolis during the present Session. At the same time he felt it his duty to state that it was very desirable that the Committee should proceed with their investigations, so that at the close of the Session they should report their opinion to the House with respect to the general question of water supply for London. He considered it likewise desirable that they should report the evidence collected by them; and if they were able to report their opinion and the evidence before the close of the Session, he thought the House would be in a position to proceed with the measures regarding the water supply next Session with far better information, and with better means of coming to a useful and beneficial decision, than they were at present.

HARWICH ELECTION.

MR. BANKES said, that some weeks ago he had presented a petition to that House signed by several electors of the borough of Harwich, complaining of Government interference at the last election for that borough. He had intended then to have moved for a Select Committee to inquire into the allegations contained in that petition, but he was informed that that would not have been a convenient opportunity for doing so, as an Election Committee was at that time trying a petition complaining of an undue return for Harwich. He had then deferred to the general opinion of the House, and postponed the Motion he wished to introduce on the subject; and as the Election Committee had since concluded its labours, and declared that the last election was void, he was now anxious to proceed with his Motion. He, therefore, wished to know from the right hon. Gentleman the Speaker whether he could do so at once by bringing forward the question as one of privilege; or whether he must give notice of a Motion on the subject?

MR. SPEAKER said, that if the electors complained of undue influence at the election, the hon. Gentleman could bring the matter forward at once as a question of privilege.

LORD JOHN RUSSELL said, he wished to call the attention of Mr. Speaker to the fact that some of the signatures to the petition were stated to have been subscribed "by authority." He therefore submitted to Mr. Speaker whether these could be received as the legal signatures of the parties?

MR. SPEAKER said, these names must be considered as if they had never been attached to the petition at all. Those signatures only were legal which the parties had attached in their own handwriting.

MR. BANKES then said, he should submit to the House his Motion that a Select Committee be appointed to inquire into the allegations of the petition; and, although it appeared that some of the names were not legally affixed, yet there was a sufficient number of valid signatures to entitle the petition to the favourable consideration of the House. For his own part he had no personal connexion with the borough of Harwich, and he merely brought forward the question as a matter of public importance, and as affecting the interests of the electors and of that House. It was, however, a matter of great importance that elections should be conducted without the interference of the Government. He had heard that at the last Greenwich election, holidays were granted to the electors, in order that they might exercise the right of the franchise; but what would be the use of granting holidays if the voters were to be subjected to the undue influences of those above them? He did not assume that this had taken place at Harwich, but there was an allegation that such had been the case, and he did ask that an inquiry should be made into that allegation. He trusted, therefore, that the Government would not offer any objection to the appointment of the Select Committee for which he asked; and if his Motion were acceded to, he would prefer having the Committee nominated by the Committee of Selection, rather than undertake the task of selecting the Members himself. Without further remark, he would now submit his Motion to the approval of the House.

LORD JOHN RUSSELL: I have only one word to say, and that is that there is no intention on the part of the Government to oppose any obstacle in the way of the proposed inquiry.

MR. GRANVILLE BERKELEY having had the misfortune to be a Member of the Harwich Election Committee, which had sat for eighteen days, begged to recommend that the inquiry should extend to the previous elections for some time past.

Mr. BANKES was quite willing that such should be the case.

Select Committee *appointed*—

> "To inquire into the allegations contained in a Petition from certain Electors of the Borough of Harwich, presented on the 16th day of June last, complaining of the conduct of persons connected with the Government at the last Election for the said Borough."

CHARITABLE PURCHASE DEEDS BILL,

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

The SOLICITOR GENERAL said, he felt bound to give the Bill his decided opposition. The Bill proposed to alter in a small degree the Law of Mortmain, respecting which there was at this time an inquiry going on, and upon which there was no necessity for hasty legislation. He should therefore move that the Bill be committed this day three months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words, "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. MULLINGS denied that the effect of the Bill would be as described by the hon. and learned Gentleman. Its object was only to cure certain technical defects in deeds relating to certain charities. At present, the mode adopted was to convey the property in trust, and as this could not be done with copyhold estate, the Bill was meant to meet that case.

Mr. HEADLAM said, the Bill would apply to both past and future Charitable Trusts. But as there was no pressing necessity for the Bill this Session, he should oppose its further progress.

Mr. CHISHOLM ANSTEY said, that the Committee on Mortmain had taken some most important evidence, which would shortly be reported to the House; he should therefore oppose the further progress of the Bill. He should oppose every attempt at granting further facilities for charitable endowments, until the House had considered the question whether concessions made to charities should not be accompanied by restrictions. The Statute of Mortmain was palpably ineffectual for preventing undue spiritual influence. He was opposed to the Bill as granting concessions to an interest which was more deserving of restriction at the hands of Parliament.

Lord HARRY VANE expressed his hope that the Bill would be withdrawn. It was desirable that the Statute of Mortmain should be dealt with comprehensively.

Mr. MULLINGS said, he would not press the Bill against the feeling of the House.

Amendment and Motion, by leave, *withdrawn.*

Bill *withdrawn.*

CORONERS BILL.

Order for Second Reading read.

Mr. BOUVERIE moved as an Amendment that the Bill be read a Second Time that day three months. The hon. Gentleman who had charge of the Bill was not present, but he understood there was no objection on his part to the Amendment.

Second Reading *put off* for three months.

LAW OF EVIDENCE AMENDMENT BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

Clause 1.

The ATTORNEY GENERAL said, that the first and second clauses of this Bill contained an alteration in the Law of Evidence of such vast importance, as connected with the administration of justice in this country, that he felt it his duty to make a few observations on the clauses before asking the Committee to agree to them. The Committee were doubtless aware that, as the law of England now stood, in some of the most important proceedings in our courts of justice, the parties to the suit were not competent to give evidence. Public attention had been directed to this subject, and the present Bill, after undergoing very mature consideration before the other House of Parliament, and receiving the sanction of the great legal authorities who had seats in that House, now came down to the House of Commons for its consideration and adoption. It appeared to him, after careful deliberation, that the advantages likely to arise from this alteration, preponderated so vastly over the objections to the measure, that he, for one, gave it his most cordial support. There could be no doubt that it would occur to one, on the first view of the subject, that, unless some great disadvantage was likely to ensue from such a course of proceeding, they should at once have recourse to the parties in the suit, as the parties who could give the best and most accurate information on the subject-matter of the trial. In the great majority of the transactions which became the subjects of inquiry before the courts of justice, the parties in the suit were the only persons who could give information on many points connected with the inquiry; and in almost every case they were the parties who could furnish the best information. They all knew that, in the common transactions of life, where parties were called upon to arbitrate between individuals having a difference, the first step would be to hear what the parties who were principally interested, and who were the only parties who were really privy to the transaction in all its parts, had to say on the subject in dispute. So with regard to courts of justice. Everybody at all familiar with the practice of the courts of justice, and even those who were not, could readily understand how it was that justice was constantly frustrated by the impossibility of proving the facts necessary to be established for the due administration of justice, in consequence of their being within the exclusive knowledge of one or other of the parties to the suit. Nay, to such an extent did this go, that it frequently happened that the plaintiff was nonsuited, or failed in getting a verdict in his favour, simply because he was not in a condition to prove some fact that lay within his own knowledge; and the consequence was that a man who had a just claim was unable to enforce it, and instead of being the creditor whose suit was successful, he was often converted into the debtor of a man who owed him money, simply by reason of his being unable to adduce the evidence which would secure him a verdict, and thereby being made liable to all the costs of an unsuccessful attempt to substantiate a just claim. No one, therefore, could hesitate to admit that, in endeavouring to elicit the truth, they ought to hear the evidence of the parties best informed on the subject. The question was, would they admit the persons who were most familiar with the subject of the inquiry, who were the best competent to give information regarding it, and who in many instances were the only parties who could give that information. He knew it might be said that by admitting the parties to a suit to give evidence in their own favour, they would open the door to perjury. Those who contended for the exclusion of this evidence, would maintain that the present Bill would have a twofold mischievous effect; because, in the first place, by admitting false testimony it would tend to mislead the tribunal which had to decide the case; and, secondly, it would induce persons to commit the crime of perjury. It must undoubtedly be admitted that when interested parties were allowed to give evidence, the tendency to falsehood was increased, first, on the part of persons who were not affected by those considerations which operated upon men of religion, morality, and honour; and also by that bias which insensibly acted upon the minds even of the most upright and honourable persons, from the natural tendency of parties to see things in a favourable view for themselves. So strongly was this felt, that by the ancient law of England, even persons who had only a secondary or indirect interest in the issue, were excluded from giving testimony. The law had, however, been altered, under the auspices of that able and venerable Judge who had so long filled the chief seat of the Queen's Bench, but who had unfortunately been compelled, by age and infirmity, to retire; and none of the baneful effects which had been anticipated were found to result. On the other hand, there were various secondary checks which operated with a contrary tendency—first, as respected the virtuous portion of mankind. The very fact that a man was called upon to depose in his own cause, would lead him to weigh most cautiously every word he uttered, and to view the facts in a light rather unfavourable than otherwise to his own interest. Again, a man who was not under the influence of the same sanctions to just and upright conduct, coming forward to give evidence in his own favour in a public court of justice, and having the strongest motives to misrepresent the facts to his own advantage, would be conscious how narrowly and closely his evidence would be scrutinised, and, therefore, would speak with the utmost caution. It must not be forgotten that they could not exclude perjured testimony now. The experience of all courts of justice showed that innumerable instances occurred where testimony was given with a perfect consciousness in the parties that they were speaking falsely. Those who did so were frequently the friends, relatives, or servants, of the chief parties to the suit, in whose favour they gave testimony; they became partisans and mixed themselves up in the cause. But the tribunals which had to weigh the value of testimony was not so much upon its guard in the case of individuals whose bias was not apparent, as it would be in the case of an individual who came forward openly to give evidence in his own favour. Again, if a man was so wicked that he would not be deterred by the sanction of an oath from speaking falsely, what was to prevent him from obtaining, under the present system, perjured testimony, and suborning others to swear falsely? A man giving testimony in his own suit was under strong corrective sanctions, and spoke under all the checking which arose from the knowledge of the Judge and jury as to the position in which he stood. But he might remind the Committee that, as the law now stood, in a great number of instances we admitted the testimony of parties to causes. In all criminal prosecutions, where the motives operating on a man's mind were sometimes quite as strong as in any civil case, the parties were admitted to give evidence, and no inconvenience was found to result. In proceedings in the Courts of Equity, also, the defendant was put to his answer upon oath. He admitted that proceeding was, perhaps, of no very great value, because the defendant gave his answer upon oath to written interrogatories, which he answered at his leisure, leaving it to his lawyer to frame the answers properly. Again, in all proceedings in the Courts of Common Law, with the exception of trials before juries, questions which arose were determined upon affidavits, and the Courts had invariably the affidavits of the parties interested in the cause. Indeed, not only were the affidavits of the parties admitted, but the omission of the affidavit of either party would be immediately matter of observation by the opposing counsel and by the Court. It was said, that the effect of the change would be to put an intelligent person on one side, and a dull or ignorant man on the other, on an unequal footing; but that inequality already existed from the nature of circumstances. But that that inequality had any great influence in the administration of justice, he did not believe; for the simple and ignorant man, who came into a court to speak the truth, was as readily believed, to say the least, as the astute and cunning one, who possessed cleverness, which might enable him to throw a veil over it. He thought, therefore, that a vast additional amount of light and information would be thrown on the administration of justice by this Bill, and that there was no well-founded objection against it. He might state that those distinguished ornaments of the legal profession, Lords Denman, Brougham, Campbell, and Cranworth, were in favour of the alteration proposed by this Bill, and he hoped it would receive the assent of that House. They were not without experience to guide them in deciding the question, for the admission of parties to suits to give evidence had been in actual practice for several years under the system of administration of justice in County Courts. The whole body of County Court Judges, with, he believed, only one exception, were unanimously in favour of the plan involved in this measure, because they found it simplified the administration of justice, and enabled justice to be done in many instances in which otherwise it could not be obtained. The evils likely to result from the change contemplated by this Bill, had, he thought, been greatly exaggerated, and he was perfectly satisfied it would be found to work well.

Clause *agreed to;* as was also Clause 2.

On Clause 3, which prevents the wife being examined on behalf of the husband, or the husband on behalf of the wife,

MR. HENLEY said, he was inclined to think that the balance of advantage and disadvantage was in favour of admitting the evidence of the interested parties in a suit; and as the principle had already been acted upon in the County Courts, he did not see how they could rationally or consistently refuse to extend it to all civil actions whatsoever. He wished to know why, after the principle of the admissibility of parties to give evidence had been so broadly laid down by the hon. and learned Attorney General, they were to agree to the provisions of this Clause, which formed a decided exception? The effect would be to exclude a shopkeeper's wife, who might have sold goods in a shop to a customer, from giving evidence for her husband relative to the transaction.

The ATTORNEY GENERAL said, he never used any argument on a subject so important as that of the administration of justice, which he thought ill-founded, and therefore he must at once frankly say that he could not defend this exception. He knew of no good reason for it; but he understood there was a strong opinion in the other House in favour of excluding the wife from giving evidence, and he feared if they altered this Clause it might be fatal to the Bill.

MR. CROWDER quite concurred in the view so clearly expressed by the hon. and learned Attorney General, that parties to a suit should be admitted to give evidence, and he thought also that the hon. Member for Oxfordshire (Mr. Henley) was quite right in objecting to the exception made by this Clause, and that husband and wife should be admitted to give evidence for each other. By the 83rd section of the County Courts Act, husband and wife were allowed to give evidence in each other's cause; and if they passed the Clause as it now stood, the law in the superior courts would be different from that in the County Courts. He should propose, therefore, to strike out the words, "or shall in any proceeding, civil or criminal, render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband," and to insert a proviso, "that husbands or wives shall be competent to give evidence either *vivâ voce* or by the practice of the Court for each other, but that nothing shall render any wife or husband competent or compellable to give evidence against her husband or wife respectively, except on cross-examination after an examination in chief." The exclusion of the wife's evidence against the husband, rested on policy, for the sake of averting domestic broils, and he thought it desirable to leave the law in this respect as it now stood.

MR. J. EVANS thought if any amendment in that House would peril this invaluable Bill, they should abstain from making any; but he did not see, if a proper amendment in the Bill were made, why it should be rejected in the other House. He thought, however, there were the most material objections to the Amendment of the hon. Member for Liskeard (Mr. Crowder), which went to the repeal of part of a Clause in the County Courts Act, which had had the most beneficial effects; whereas they ought rather to assimilate the law in the superior Courts to that in the County Courts. If they allowed the wife to give evidence for her husband, it was right also that her evidence against him should be admitted.

SIR GEORGE STRICKLAND thought they should by all means put in the Bill what they thought right, even if they ran the risk of losing it in another place. It was a measure so much in accordance with the wants and wishes of the people, that if not carried this Session, it certainly would be in the next.

The ATTORNEY GENERAL was decidedly of opinion that, if the principle of admitting the wife's evidence were to be recognised at all in civil cases, it must be recognised as well against the husband as in his favour. He would not oppose any modification in the Clause having for its object the admission of the wife's evidence either for or against the husband in civil cases; but an ancient prejudice made it desirable that they should not attempt to introduce the principle of allowing the wife to give testimony against her husband in criminal cases. He was far from saying that such an exemption was defensible upon any high moral principle; but so strong a prejudice existed in its favour, that any alteration of the law in this respect would most probably cause the loss of the Bill.

MR. WAKLEY believed that the better plan would be to omit the Clause altogether. He had no doubt the other House would give way in deference to their opinion.

MR. HENLEY thought that the object which was sought to be secured by the Amendment of the hon. Member for Liskeard (Mr. Crowder), would be obtained in a more direct and satisfactory manner by making a verbal alteration in the third clause. He would suggest the omission of the words "civil or criminal," and the insertion of the word "criminal" before "proceeding," thus restricting the operation of the clause to civil cases only.

The ATTORNEY GENERAL thought the suggestion of the hon. Member for Oxfordshire a most valuable one, and one that entirely met the sense of the Committee. He would then not introduce any alteration in the law of evidence as regarded criminal cases. The law proceeded in all its departments on the identity of husband and wife. Now, they did not compel the husband to give evidence against himself, and therefore neither should the wife be compelled to give evidence against her husband.

Clause, as amended, *agreed to;* as was also Clause 4.

On Clause 5, providing that a party intending to give evidence on his own behalf should give fourteen days' notice to the other side, and that if he intended to call the opposite party he should serve the summons upon him four days before the trial,

MR. J. EVANS said, it would be found productive of great practical inconvenience and injustice to require a party intending to give evidence on his own behalf to give notice.

The ATTORNEY GENERAL said, that he had communicated with a learned Gentleman who took a great interest in this Bill, and who was peculiarly competent to speak with respect to it, and he understood from him that this clause was inserted because it was thought that it might possibly happen that where a party came forward to give evidence in his own favour, he might, if he knew that his adversary was absent, make a false statement as to what passed between them, which no one but his opponent could contradict. The object of the clause was, therefore, to give a party the means of being present at the trial if his adversary intended to be examined, and at the same time to relieve him from the inconvenience of doing so if he did not.

MR. STANFORD said, he should support the clause, because a case had occurred in which a decision had been given against him in the County Court, in consequence of his not being aware that the plaintiff intended to give evidence; for had he known that, he should have attended, and could then have contradicted certain statements which he had made.

MR. HENLEY said, that the argument of the hon. Member would go so far as to require that notice should be given of all witnesses intended to be called. He (Mr. Henley) objected to this clause, because if it were adopted its principle must be extended to other cases, and he could not see why a man could not make a good defence without knowing the names of the witnesses who would be brought against him.

The ATTORNEY GENERAL said, that he thought it would be very inconvenient to compel both parties to be present on every occasion in order to watch what their adversary might say if he were called. At the same time he quite felt the force of what had fallen from the hon. Member for Oxfordshire (Mr. Henley). He thought that the latter part of the clause was of no use, for he could not see why the opposite party should have either four days or four hours' notice that he was required to attend and be examined; it was sufficient if he received sufficient notice (whatever that might be in the particular case) to enable him to come to the court. He therefore proposed to omit the words "four days," in the latter part of the clause. It would be quite enough if he were subpœnaed in time like an ordinary witness.

MR. CROWDER objected to the introduction of a principle different from that which was at present applied to the practice in County Courts.

The ATTORNEY GENERAL thought that they should not follow the practice of the County Courts slavishly. He would introduce a proviso exempting County Courts from the operation of the clause.

MR. J. EVANS said, that he considered the clause so objectionable that he should divide the Committee upon it.

Motion made, and Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided* :—Ayes 37; Noes 29 : Majority 8.

Clause *agreed to;* as was also Clause 6.

On Clause 7, authorising Common Law Courts to compel inspection of documents whenever Equity would grant discovery,

MR. MULLINGS objected that this would enable a party who brought an action for ejectment, and found a few days before going to trial that his title was defective, to compel his adversary to give him an opportunity of completing it from an inspection of the deeds which he might have in his possession.

The SOLICITOR GENERAL said, that this was not so, for the power proposed to be given by this clause was confined to cases in which a party might at present obtain an inspection by filing a bill of discovery before a Court of Equity; and the effect of the clause was therefore merely to substitute for that very expensive process a cheap and simple mode of attaining the same object. In the case put by his hon. Friend, of an action for ejectment, the Court of Chancery would not compel the defendant to show his title-deeds to a stranger, or to any one whom it did not consider to have some hold upon his conscience; and the Common Law Judge would be guided by the same principle. No doubt he would be obliged to decide the point upon equitable principles; but Courts of Law were already obliged in many cases to take cognisance of the principles of equity. And indeed he regarded this clause with peculiar favour on that very account; and was very glad to see a clause of a similar character in the Bankruptcy Bill, which would soon come before that House, and by which the Courts of Law were enabled to proceed by injunction in certain cases. He believed that these were steps to the establishment of an important principle, that where any Court of Law had jurisdiction over the subject-matter of dispute, it should exercise also all the ancillary jurisdiction which was at present exercised by a Court of Equity.

Mr. MULLINGS said, that there was nothing in the Clause to point out the evidence which it was requisite should be before the Judge.

The ATTORNEY GENERAL said, that the Court would only compel a party to allow an inspection of documents upon a statement of sufficient facts to justify it. The Court would compel him to say what deed he wanted, and to give such a description of it as showed that he knew something about it. What was desired was to get rid of expense, and to have a short simple summary mode of proceeding, instead of the dilatory and expensive bill of discovery. He joined with his hon. and learned Friend the Solicitor General, in hailing this as the commencement of a new era in our system of judicial proceeding; he hoped that we were now getting the fine edge of the wedge in, and that it would end in that fusion of law and equity, short of which he was convinced that the public would not be satisfied.

Mr. HENLEY had no objection to this Clause so far as it did not exceed the operation of a bill of discovery, but he objected to that portion of which compelled a man to give a copy previously of any document which he was compellable to bring into court under a *subpœna duces tecum;* such a summons would compel a man to bring any deed into Court.

The ATTORNEY GENERAL said, that he should have no objection to strike out the words "to take examined copies," so as to meet the objection of the hon. Member.

Mr. STUART WORTLEY said, there were many cases in which it was desirable that a previous inspection should be allowed of documents which a party was compellable to bring into Court under a *subpœna duces tecum,* because at present the opposite party who had obtained the summons, frequently found that the document when produced in court defeated them on some technical point. He thought that it was desirable to pass this Clause, which was one means of breaking down the barrier between the two classes of courts, and thus preventing the glaring injustice of a man being driven "from pillar to post," going into a Court of Law and being told his remedy was in equity, and going into a Court of Equity, and being told his remedy was at law.

The ATTORNEY GENERAL said, he was willing to leave out so much of the clause as related to documents produced under a *subpœna duces tecum.*

Clause, as amended, *agreed to;* as was also Clause 8.

On Clause 9, declaring apothecaries' certificates admissible in evidence without proof of seal,

Mr. WAKLEY said, he thought that the same provision should be applied to the diplomas of the Royal Colleges of Surgeons and Physicians.

The ATTORNEY GENERAL agreed very much with his hon. Friend the Member for Finsbury. He believed that the Bill as it came down from the other House would have a most beneficial effect, and he therefore accepted it; but he begged it might not be thought that all the amendments requisite in the law of evidence were provided for by it. That subject would soon come under the consideration of the Commissioners for the Amendment of the Common Law, who intended to make a searching inquiry into it; and he hoped that they would be able to suggest many improvements and ameliorations in that branch of the law. Something of the kind suggested by his hon. Friend (Mr. Wakley) would, he had no doubt, be considered by them.

Mr. CROWDER could not see why the provision suggested by the hon. Member for Finsbury could not be inserted in the present Bill.

Clause *agreed to;* as were the remaining Clauses.

Mr. STUART WORTLEY then proposed the addition of a Clause to allow the production in evidence of a certificate of the substance of a record in all cases in which it was now necessary to produce the record itself in order to prove the acquittal or conviction of a prisoner. This course was at present followed in some cases under Sir Robert Peel's Act; but there were others (such as actions for malicious prosecution or false imprisonment) in which it was still necessary to produce the record itself, a step which was attended with great expense.

The ATTORNEY GENERAL said, that he considered the Clause of the right hon. and learned Gentleman contained a most valuable provision.

MR. STUART WORTLEY said, that he must not be taken entirely to approve of the measure. He had considerable hesitation with respect to allowing the introduction of the evidence of the parties interested; but he could not understand why, if admissible at all, it should not be admissible in criminal as well as civil cases. One of the hardest cases with which he was acquainted, was when a poor man charged with crime, or a particular crime, said that he was at home all night, and yet was not allowed to call his wife to prove the fact.

Clause *agreed to.*

House resumed; Bill *reported.*

THE PHARMACY BILL.

Order for Committee read.

MR. WAKLEY moved that the House should go into Committee on this Bill. This Bill was read a second time, by consent, a fortnight since, in order to enable the hon. Member for St. Albans (Mr. Bell) to introduce certain amendments into it, and on the distinct understanding that the Bill was not to proceed further during the present Session. On Friday last, however, he (Mr. Wakley) asked the right hon. Secretary for the Home Department whether, if all opposition from other parties were withdrawn, the Government would allow the Bill to proceed during the present Session; and the right hon. Gentleman said that in that case they would. Although, however, the Bill was one of the smallest measures of medical reform that could be produced—almost the first brick in the fabric—it could not proceed during the present Session, because he now found that there were still some objections raised against it, and he could not, therefore, urge its further progress. The Members of that House, he feared, had no taste for physic. He hoped that in the early part of the next Session this subject would be entered upon in a friendly and liberal spirit, for the House might be assured that by legislating on this subject they would confer an essential service upon the public. He thought the House would admit that it could not be otherwise than beneficial to the public, that a body of 10,000 men, highly educated in the different departments of science, should be diffused through our smallest towns. A doubt had been raised whether the Pharmaceutical Society were competent to undertake the duties proposed to be imposed upon them by this Bill. Now that society had been in existence since 1843, when it was incorporated by a Royal charter; and although he was connected with a journal which circulated through the profession, he was sure that since that society undertook the important duties allotted to it, he had never heard a single complaint with regard to the manner in which it had discharged them. The hon. Member for Oxfordshire, however, thought that evidence of these facts should be adduced before a Select Committee.

MR. HENLEY said, the hon. Gentleman (Mr. Wakley) had treated the House with some injustice when he accused them of having a very great distaste for physic; for they wished to leave open the trade in physic, which the hon. Member sought to restrict. He (Mr. Henley) viewed the Bill as dealing with one part only of a large and difficult subject; and he thought that more inquiry was necessary. The society to which reference had been made, might be well adapted for its purpose, but the House had no evidence on that point; the Bill would give the society great power; and the proper course, he thought, would be for the hon. Member for St. Albans (Mr. Bell) early next Session to move the appointment of a Committee with the view of procuring further information on the subject.

MR. J. BELL had no objection to move for a Select Committee, and proceed with the measure in that way, as soon as Parliament met next Session. This Bill was not intended to restrict the sale of medicine, or to create a monopoly. It was only intended to improve the education of persons engaged in that pursuit. Even if the Bill were passed immediately, several years must elapse before it could come into complete operation. The effect would be gradual, and would not do injustice to any one. He was anxious the Bill should not be mixed up with the question of medical reform. For sixteen years he had been watching the progress of the numerous Bills that had been brought forward for medical reform; and if his measure were mixed up with that question, it might share the same fate.

Committee *put off* for three months.

VICTORIA PARK BILL.

Order for Committee read.

House in Committee.

Clause 1.

Mr. WAKLEY wished to know when he might expect to see the Battersea and Finsbury Parks completed. He could assure the noble Lord the First Commissioner of Woods and Forests, that, with respect to the latter park, great anxiety existed in the metropolis. A large quantity of land which was available for the purpose might be obtained upon very reasonable terms; but as buildings were continually being erected on the plot to which he alluded, it would soon be hopeless to attempt to convert it into a park. He therefore trusted that the noble Lord would, as soon as possible, bring forward a Bill for the purchase of the land alluded to, and with which he believed the noble Lord was well acquainted.

Viscount DUNCAN said, that Victoria and Battersea Parks were purchased with money derived from the land revenues of the Crown; and if a new park were to be formed for Finsbury, he hoped the noble Lord would state from what source the funds were to be taken.

Lord SEYMOUR said, that one of the objects of the Battersea Park Bill was to relieve the Crown lands from all charges on account of that park. They had only been deceiving themselves when they paid such charges from funds which otherwise would have been carried to the public account. He was aware that there was a strong desire in Finsbury and the adjoining district that a park should be formed in that neighbourhood, and he had taken pains to ascertain the possibility of making a park there. The first difficulty would be the raising of the necessary funds. If those funds were raised, he believed that there would be little difficulty in procuring a site.

Mr. BROTHERTON said, people in the country did not grudge to contribute the necessary funds when they wanted to form parks. They did not ask that the national funds should be resorted to for their peculiar enjoyment, and he hoped that the wealthy metropolitans would be ashamed of taking a different course.

Sir HENRY BARRON complained of the gross injustice of making the people of Ireland contribute funds for the formation of parks for the special enjoyment of the people of London. He was glad to hear that the Government had determined, for the future, on making such districts as desired to possess the advantages of parks, contribute the necessary funds.

Clause *agreed to;* as were the remaining Clauses.

House resumed; Committee *reported.*

COUNTY COURTS FURTHER EXTENSION BILL.

Order for Committee read.

House in Committee.

Clauses 13 to 15 *agreed to.*

Mr. CROWDER proposed to insert the following Clause:—

> "And whereas it is expedient to render appeals from the County Courts more efficient; be it enacted, That so much of 13th and 14th Victoria, c. 81, sec. 14, as limits the Court of Appeal to the Puine Judges of the superior Courts of Common Law at Westminster, and the sitting of the said Court of Appeal to a time out of term, is hereby repealed, and that all appeals now depending or hereafter to be brought before the said superior Courts, shall be heard and determined in term by the Judges thereof as part of the ordinary business of such Courts, or out of term by any two or more of the Judges of the said superior Courts sitting as a Court of Appeal for that purpose."

Mr. J. EVANS believed that the present system of appeal gave satisfaction, and had never been complained of.

The ATTORNEY GENERAL supported the clause, which would considerably tend to expedite cases of appeal.

Sir JAMES GRAHAM wished to appeal to the hon. and learned Attorney General, and to Her Majesty's Government, to let the matter stand as it now was. He agreed with those who thought that we should have, in the cheapest and most expeditious form, the best mode of appeal that could be established. Now, as he understood the hon. and learned Gentleman (Mr. Crowder), objection was taken to the existing tribunals for appeals. He was certainly not disposed to overlook the importance of the superior Courts in Westminster-hall, and of the Bar there; for he believed that it was for the public interest that the Bar should be upheld in its independence and high position, but at the same he did not think that any sacrifice of the public interest should be made even for so great an object. He could well see that it would be for the advantage of the Bar in the present case that the appeal should lie to the superior Court, not to a portion of the superior Court, but to the Court itself, with all the advantage of the Bar. But the question which the House had to consider was, whether that would be for the convenience and interest of the public? Even though the appeal might be better heard by the Supreme Court with the assistance of the Bar, yet the question was, would it, on the whole, be for the advantage of the public? He put it to the hon. and learned Attorney General, and the right hon. and learned Gentleman the President of the Poor Law Board, whether there was on the whole such an imperfection in the existing appellate jurisdiction, that, taking all the circumstances into consideration, it was desirable to effect this change. Her Majesty's Government were the guardians of the public in that House, and he held that they should make themselves parties to no change, unless such as would clearly be for the benefit of the public generally.

The ATTORNEY GENERAL said, he really did not see the necessity for the appeal that had been made to him by the right hon. Gentleman. It was the simplest thing in the world, and he did not think the right hon. Gentleman apprehended the nature of the proposed change. At the present moment an appeal lay from the inferior Court, presided over by the County Court Judge, to one of the superior Courts in Westminster, and was disposed of by the Puisne Judges sitting out of term; and the proposal now made was to enable appeals to be heard and determined in term by the Judges in the superior Courts. It would make no difference to the Bar whether the appeal was heard before the Puisne Judges or the supreme Court, nor would it make any difference to the suitors in point of expense. The only difference was this, that if the appeal happened to arise when the Court was sitting *in banco*, and if the Court was not so oppressed with business but that it might attend to it, then power should be given to dispose of the appeal at once. There was a difference in point of time—for by the present mode it might so happen that if the hearing of the appeal was postponed till after term, much time might be lost.

MR. CROWDER thought the right hon. Baronet (Sir J. Graham) had mistaken the nature of the Clause which he (Mr. Crowder) had proposed. It might happen that an appeal was made just at the commencement of the term; and, according to the present system, that appeal must necessarily stand over, though the Judges might be in a condition to dispose of it. His clause would obviate that evil.

VISCOUNT DUNCAN understood the right hon. Baronet (Sir J. Graham) to have asked whether the practice at present followed had not been satisfactory to the country, and whether any necessity existed for the proposed change. He thought they should let well alone.

MR. CROWDER said, a case of inconvenience had occurred last term in the Common Pleas, in consequence of the Chief Justice being debarred, by the provision which had been referred to, from taking an appeal, except with the consent of both parties.

SIR JAMES GRAHAM said, he recollected that this very matter had been discussed in a former Session, and he certainly understood that, on the whole, the appeal clauses had given satisfaction to the country. He had yet to learn that they had not worked well; and he thought, before any change was made, that the inconvenience of the present system should be shown. There might be reasons as regarded the Courts for the change, but he could see none as regarded the public.

The ATTORNEY GENERAL said, that with regard to public convenience, the object of all legal proceedings should be to do justice in the smallest possible period. Suppose a plaintiff got a verdict when the term was about taking place, and that the defendant wanted time, he brought his appeal, conscious that for three or four weeks he could interpose a delay; and there was an obvious inducement under the present system to bring an appeal for the purpose, under such circumstances, of gaining three or four weeks time. He could not see any substantial objection to the clause. If they could have an appeal disposed of at the commencement of a term, instead of waiting the whole term, and if that could be accomplished without one shilling additional expense to the suitor, he could not understand why that appeal might not be disposed of in term time. The only object of his hon. and learned Friend's clause was to expedite the appeal, and he (the Attorney General) thought that would be an undoubted benefit to the suitor.

SIR JAMES GRAHAM said, the great object to be attained was, that there should be the most speedy justice at the least possible cost. If he rightly understood the hon. and learned Attorney General, that Gentleman said, the effect of this Clause would be to expedite the appeal, and that in deciding it the suitors would have the assistance of a Chief Justice, without any increase of cost whatever. If the hon. and learned Gentleman told him that, he (Sir J. Graham) was bound to admit that this Clause was a desirable one, because it would give more speedy justice, and that without any additional cost to the parties—if it fulfilled all those conditions, he (Sir J. Graham) had not a word to say against it.

The ATTORNEY GENERAL said, he had no hesitation in repeating his previous statement, that the Clause would have the effect of expediting appeals, for two or three weeks at the least, and be attended with no possible disadvantage to any one.

Sir GEORGE PECHELL said, that if this Clause had a tendency to expedite the suit, it ought to have been introduced by the Government.

Mr. STUART WORTLEY said, he would support the Clause, on the ground that it would secure two great objects, namely, greater despatch in disposing of the appeal, and greater weight and authority in the judgment of the court.

Clause *agreed to.*

Mr. CROWDER then moved the addition of the following Clause:—

> "And whereas doubts have arisen whether the appeal given by 13 and 14 Victoria, c. 61, s. 14, lies in cases tried by the County Court Judge without a jury; be it declared and enacted, That if either party shall be dissatisfied with the determination of the County Court judge, in point of law, in any case tried with or without a jury, such party may appeal to the said superior Courts."

He said, the appeal Clause in the 13th and 14th Victoria, c. 61, was thought to apply only to cases where there was a jury; so that if a cause was heard in the County Courts without a jury, however wrong the decision might be, there was no appeal whatever.

Clause *agreed to.*

Mr. CROWDER then proposed to introduce the following Clause:—

> "And whereas it is expedient to provide for the removal of claims arising under 9 and 10 Victoria, c. 95, s. 118; be it enacted, That any such claim, and any summons issued in respect thereof, and any order made thereon, may be removed into any of the said superior Courts by leave of any of the said superior Courts, or any Judge thereof, on such terms as to payment of costs or bringing money into Court as such Court or Judge shall direct; and when any such claim, summons, or order shall be removed, the said superior Court shall deal therewith in the same manner in all respects as with interpleader cases arising in the said superior Court."

He thought that a clause of considerable importance, because its object was to give the right of appeal in cases where it did not exist at present. The clause which he wished to add had reference to the 118th section of the 9th and 10th Victoria, c. 95, which gave power to the County Court Judges to decide interpleader issues, without any appeal to any other tribunal. Even if it should be anxiously desired by both parties to an interpleader issue that it should be heard before a superior Court, it could not be done. It appeared to him very important that there should be an appeal in such cases.

Mr. MULLINGS said, the only objection he had to the clause was, that it would give facilities for appeals to the superior Courts. He did not know of any case in which inconvenience had arisen from the present practice; nor had the hon. and learned Member for Liskeard pointed out any such case. He (Mr. Mullings) did happen to know that there was a strong inclination in the superior Courts to get causes out of the County Courts; and he was not willing to get rid of the great advantages of the County Courts by affording facilities such as were contemplated in the clause which had been proposed.

Mr. CROWDER said, there might be inconveniences such as this clause was meant to remedy, without its being necessary to furnish given cases; but he was not at all aware that there was an anxiety on the part of the Judges of the superior Courts to take business from the County Courts.

Mr. CLAY believed that cases such as had been suggested by the hon. and learned Gentleman (Mr. Crowder) were not cases where there was any difficulty in point of law. The difficulty was one of fact, and not of law, and a difficulty of fact was as well, if not better, ascertained by the mode of proceeding in the County Courts than by that in the superior Courts.

Mr. W. WILLIAMS wished to know if there had been any complaints from the public, or from the Judges of the County Courts, who had constant opportunities of seeing the defects, if defects there were, ic the existing law? In the absence of such complaints, he was opposed to the addition of the clause.

The ATTORNEY GENERAL would suggest to his hon. and learned Friend (Mr. Crowder) that he had better withdraw the clause. Such a clause was not absolutely necessary, and he did not think it was desirable to overlay the simplicity of the existing system.

MR. CROWDER consented to withdraw the clause.

Clause *withdrawn.*

MR. CROWDER then moved the addition of the following Clause:—

> "And for preventing vexatious expenses and delay in prosecuting the said appeals; be it enacted, That the Judges of the said superior Courts, or any five of them, of whom a chief of one of the said superior Courts shall be one, may from time to time, if they shall think fit, make general orders for regulating the proceedings on appeals and the costs thereof; which orders shall be as valid and effectual as if included in this Act; provided always, that such orders shall not be in force until the end of the Session of Parliament next after the promulgation thereof."

He said his object in moving such a clause was to prevent vexatious expense and delays in prosecuting appeals before the superior Courts.

VISCOUNT DUNCAN would suggest to the Committee that they had better let well alone, taking warning from an epitaph he had seen on a tombstone the other day —"I was well, and, wishing to be better, here I am."

MR. J. EVANS said, he must oppose the clause. There was no complaint made of the law itself, as it at present stood; why, therefore, should all those cobwebs be spread around it merely for the purpose of catching victims?

The ATTORNEY GENERAL would support the clause, on the ground that it was desirable to have a uniformity of system with regard to appeals from the County Courts, in the three superior Courts of Common Law, instead of leaving each individual Court to make its own regulations. If they granted the power of appeal, it was desirable that it should be accompanied by certain well-defined regulations. The clause did not extend the power of appeal one tittle beyond what was given by the existing law.

VISCOUNT DUNCAN did not believe the costs of the superior Courts were at present so popular as to make the people wish that they should be extended to the County Courts.

SIR GEORGE PECHELL said, that a Committee was sitting upon this subject, and he should wish to know whether they had made any report as to the necessity of these alterations?

MR. BOUVERIE was not aware that the question had come before the Committee alluded to by the hon. and gallant Member; but he thought it very desirable that the Judges of the superior Courts should establish some uniform system with regard to the mode of proceeding in appeals, and also with respect to the costs thereof.

SIR JAMES GRAHAM said, if he were forced to a division, as at present advised, he thought he must support the clause. If the clause had tended to multiply appeals, he might have hesitated; but there already existed the right of appeal to the superior Courts. It happened, however, that there was not any uniformity either in the mode of proceeding with those appeals, or as to the costs. The clause now proposed would give the Judges of the superior Courts the power of establishing that uniformity. If the Judges of the land were to be trusted with anything, they certainly were fit to be trusted with such a power as that which this clause gave to them. There was one point, however, which he thought required explanation. The clause sought not only to regulate the proceedings on appeals, but "the costs thereof." He should like to know why it was necessary to refer to the Judges of the superior Courts the regulation of the costs? With that single observation he was prepared to support the clause.

VISCOUNT DUNCAN said, that although he at first intended to divide the Committee on the clause, and although he was still opposed to it, still he should not trouble the Committee to divide.

MR. CROWDER begged to explain, that each of the superior Courts already possessed the power of regulating the proceedings in their own courts on matters of appeal, and also with regard to costs; but the object of this clause was that the Judges of the three superior Courts should unite and form one set of rules with respect to such appeals and costs in all the Courts.

SIR JAMES GRAHAM wished to know whether, at the present moment, the costs in the three Courts varied from one another?

MR. CROWDER was not aware of the fact, but it had occurred that the costs were differently taxed in the different Courts. He, however, believed that there was now one uniform mode of taxing costs in all the three superior Courts. He had no objection to strike out the words "and the costs thereof."

Clause, as amended, *agreed to.*

House resumed; Committee report progress.

The House adjourned at thirteen minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, July 17, 1851.

MINUTES.] PUBLIC BILLS.—1ª Stock in Trade; Turnpike Acts Continuance; Turnpike Trusts Arrangements.

Reported.—Militia Ballots Suspension; Assessed Taxes Composition; Public Works, Fisheries, &c.

3ª Ecclesiastical Jurisdiction; Highway Rates; Loan Societies.

OATH OF ABJURATION (JEWS) BILL.

Order of the Day for the Second Reading read.

The LORD CHANCELLOR said: My Lords, the Bill to which I have to call your Lordships' attention, is one of the shortest which has come under your consideration during this Session of Parliament. The sole object of the Bill is to omit certain words from the oath of abjuration which is tendered to all Her Majesty's subjects presenting themselves to take their seats in Parliament, those words being "On the true faith of a Christian," and which, being attached to the oath of abjuration, have the effect of excluding conscientious persons professing the Jewish religion from admission into Parliament. Your Lordships will readily see, from this description of the object of the Bill, that the subject upon which I have to address you is by no means novel; it has been, in fact, so often under your Lordships' consideration, that it cannot be expected that anything very new can be produced on the subject. Argument has been often urged in this and the other House of Parliament of a most cogent nature; eloquence the most splendid has been applied to it, and declamation almost inexhaustible has followed in the discussion of it; but although the subject is not new, and although it has been often before your Lordships, I think you will agree with me that these circumstances do not form any just reason why the subject should not again be submitted to your consideration. It has often been said that in the result truth always prevails, and no doubt it does. But, my Lords, it has pleased Providence that the discovery of truth should always be the reward of inquiry and deliberation, and that its brightness and force should not be always apparent upon the first view of the subject to which it is to be applied. Repeated consideration and repeated discussions have on many occasions at last placed subjects in such a light before the Legislature, that the most confident opinions which had been before entertained—the most declared hostility and the most inveterate prejudices, have at last succumbed to the force of reason. The present subject, my Lords, is not at all to be excluded from that category. Your Lordships are aware that in years gone by the attempt to extend civil and religious liberty to the Jew, has put the whole country in a flame of indignation. Your Lordships know that in a former reign, when an Act had passed through both Houses of Parliament to naturalise foreign Jews, the ferment in the country was so great, and the alarm so high, that in the following year it was found expedient, or rather it was deemed imperative, to yield to the fancied necessity for the repeal of that law. For a long period after that were the Jews subject to all the civil burdens which attach to the other subjects of this country, and yet were excluded from all its civil privileges. But, my Lords, after repeated discussions, the opposition which had been so constantly made to the relief of the Jews from the disabilities under which they laboured, gave way, and your Lordships are aware that very recently an Act passed through the Legislature which admitted Jews to the exercise of municipal rights. It is, therefore, I think, abundantly proved, that there is no inconsistency, no impropriety, in again bringing the question under your Lordships' notice, upon which you have formerly given a hostile opinion. Amongst the characteristics which attach an inestimable value to your Lordships' House as a part of the constitution, this is by no means the least, that you afford a barrier to sudden innovation. Your Lordships' stake in the country, in common with the rest of Her Majesty's subjects, and added to that a stake of greater value, make your Lordships justly cautious when great alterations are proposed; and the country has frequently acknowledged with gratitude that this House has paused when alterations like the present were brought under its consideration, and have thus given time to the country to deliberate calmly on the changes which it might have sanctioned without sufficient consideration. But while your Lordships offer a barrier to sudden and dangerous innovation, it may be also known of your Lordships that it is not in this House that a permanent opposition is made to the general sense of the nation. Your Lordships deliberate, and deliberate cautiously; but if, after full deliberation, the sense of the country is calmly and steadily expressed in favour of a particular measure, and your Lordships see that the innovation desired is not likely to be prejudicial to the country, then your Lordships yield to the wish of the nation; and numerous, indeed, are the instances in which your Lordships have given invaluable counsel and assistance in ameliorating and improving the existing state of things. The Bill that I now present to your Lordships has five times passed the House of Commons. You are aware of the fact to which I have already referred, that in aforetime the country, always alive to anything that affects its religion, was strongly excited upon propositions for the amelioration of the Jews, and that it has now expressed itself strongly in favour of the proposal for emancipating the Jews from the disqualifications to which they are now subject. Upon the present occasion, and upon previous occasions, your Lordships have had abundant opportunity of forming a judgment of what are the opinion and feeling of the nation upon the subject after further consideration. Will it be said that the absence of petitions in favour of this Bill is a proof and sign of the indifference of the country on the subject? It is, my Lords, a very unhappy time for such an argument. You have lately had an opportunity of correctly appreciating whether the people of this country have become insensible to anything which it thinks affects its religion—that religion which is established by law. Never was there a time when the country had shown itself more sensitive upon that subject; and although there have not been many petitions in favour of this measure, how different is the state of the petitions against it from that time when apprehensions were entertained that a course was about to be adopted which was likely to be injurious to the Established Church or to the Christian religion. I therefore say that a more unfounded conclusion could not be adopted than the conclusion that from the absence of petitions the country is indifferent to the fate of this Bill. The circumstances of delay which have marked the progress of this measure—the mere circumstance that such a Bill has passed the House of Commons five times—must have put the country sufficiently upon its guard; and if any well-founded apprehensions were entertained, if any opposition was deserved, those apprehensions would have been expressed, and that opposition offered; but, notwithstanding that the Bill has been so often brought forward, how very few petitions have been presented in opposition to it. I have, therefore, to pray your Lordships to do an act of justice to the Jews. In calling upon your Lordships to make an alteration in the law, it will, perhaps, only be proper that I should recall to your Lordships' attention the position in which the Jews, as a body, are now placed—although there is very little relating to this subject that has not already passed under your notice. Whatever apprehensions have been heretofore entertained in regard to the Jews in respect to their admission to the rights and enjoyment of citizenship, it must not be forgotten that your Lordships have, contrary to former impressions, consented to put the Jews, in the fullest and freest manner, in the possession of that enjoyment and those rights. They are now capable of acting as magistrates; they are now capable of filling all municipal offices; they may now sit in judgment upon the life and death of Christians; and we now rely upon their oaths for all that is valuable in society—liberty and property of every kind are matters on which they have power to adjudicate. What is the experience of the manner in which the duties which correspond to those rights have been performed by the Jews? Who has been ever heard to complain of any injustice, any partiality, any misconduct on the part of the Jews in the exercise of their judicial and magisterial functions? None has been made that has ever reached my ears. Your judgment of them has been fully confirmed; the Jews have honourably performed the duties you entrusted to them, and you have permitted them to retain those rights, the duties corresponding to which have been so faithfully performed. What then remains to be done for these individuals who have proved themselves so trustworthy? That which the present Bill proposes to remove, and which is, I believe, the only barrier to the admission of the Jews to the perfect enjoyment of civil and religious liberty in this country. It cannot be denied that Jews are British subjects. Now, what are the rights of British subjects? I apprehend that British subjects are all, without regard to religious opinion, entitled to the free exercise and enjoyment of all civil rights, with one exception. In the language of a right rev. Prelate I entirely agree, when he said that all those rights are trusts. I freely admit that there must be a capacity for the faithful and full discharge of those trusts before those rights can be conceded. Society, which is associated for purposes of mutual benefit and mutual advantage, affords no right to any man who is not able to discharge the duties which attach to the right. There are no rights inconsistent with the capacity for the faithful and full discharge of those duties; and if it should appear to your Lordships that there is anything in the faith or in the conduct of the Jews which prevents them from adequately discharging the trusts confided to them, I admit that I have no further ground to proceed in this matter. But I insist most respectfully, that no man can with justice and reason assert that there is anything in their faith, anything in their conduct, which unfits them for the full and faithful discharge of the duties of that position in which they seek to be placed. My Lords, what are the requisites for the full discharge of those duties? First of all, intelligence—have the Jews sufficient intelligence? Where will your Lordships find more? Do they understand and value the rights of property? Nobody better. [*A laugh.*] Do they furnish security, my Lords? I wish, my Lords, that to every proposition I have to assert, I could obtain from your Lordships so ready and audible an assent as that you have just given to my proposition, that the Jews are fully acquainted with the rights of property. But, my Lords, it is not an inconsiderable qualification for a legislator that he should understand and properly estimate the rights of property; and the good-humoured expression which has just fallen from your Lordships shows there are various senses in which the rights of property may be understood. When I used the term, I applied it to its best purpose. My Lords, in what manner do the Jews discharge all the social duties of life? I believe in the most exemplary manner. I believe they discharge them to as full an extent as their Christian brethren. I do not stop to inquire whether there is any difference between the conduct of the humblest of that class, and the humbler classes of other sects. I believe there is but little. I believe if there be any disadvantage, it is the result of the lamentable and degraded position in which they have long been placed by cruel and oppressive laws, and from which this Bill is calculated to relieve the whole community. My Lords, are they respecters of

The Lord Chancellor

oaths? Yes, they are. What occasions the necessity of my present intrusion upon your Lordships? It is because they are respecters of oaths, it is because they are respecters of the faith they have received from their ancestors, and because they will not do so as some have done—pledge themselves upon the faith of a Christian, which they are not—that the Jews are now excluded from Parliament. When I look at these British subjects bearing their equal burdens in every respect, discharging all the duties which attach to that relation in a manner perfectly unobjectionable—it seems to me that I throw a great onus upon those who seek to withhold from them a full and just participation in civil rights. My Lords, do you find them an association inconsistent with the peace of the country? Do you find them united for the purpose of disturbing the public peace? Are they found among the disloyal and the turbulent classes of the United Kingdom?—No. Do you find them active in commotions and agitations for the extension of civil and religious rights which they do not understand, and which, if they had, they knew not how to exercise?—No. Their conduct is altogether unexceptionable as subjects and as citizens. What, then, are their claims to those rights which I now propose shall be conceded to them? I will not in my own language state what I conceive those rights to be, but I will repeat them from a very great authority, who, in expressing his own opinion, embodies the opinion of other wise men, and has gained for himself an European reputation by the eminence of his talent. Vattel says—

> "The prince, the conductor, to whom the nation has entrusted the care of the Government, and the exercise of the sovereign power, is obliged to watch over the preservation of the received religion, of the worship established by law, and has a right to restrain those who attempt to destroy or disturb them. But to acquit himself of this duty in a manner equally just and wise, he ought never to lose sight of the character in which he is called to act, and the reason of his being invested with it. Religion is of extreme importance to the peace and welfare of society; and the prince is obliged to have an eye to everything in which the State is interested. This is all that calls him to interfere in religion, or to protect and defend it. It is, therefore, upon this footing only that he can interfere; consequently he ought to exert his authority against those alone whose conduct in religious matters is prejudicial or dangerous to the State; but he must not extend it to pretended crimes against God, the punishment of which exclusively belongs to the Sovereign Judge, the Searcher of Hearts. Let us remember that religion is no further an

affair of State, than as it is exterior and publicly established; that of the heart can only depend on the conscience. The prince has no right to punish any persons but those that disturb society; and it would be very unjust in him to inflict pains and penalties on any person whatsoever for his private opinions, when that person neither takes pains to divulge them, nor to obtain followers. It is a principle of fanaticism, a source of evils, and of the most notorious injustice, to imagine that frail mortals ought to take up the cause of God, maintain his glory by acts of violence, and avenge him on his enemies. 'Let us only give to sovereigns,' said a great statesman and an excellent citizen, 'let us give them, for the common advantage, the power of punishing whatever is injurious to charity in society. It appertains not to human justice to become the avenger of what concerns the cause of God.'"—*Vattel*, liv. i., chap. xii., s. 133.

So, too, say I. If your Lordships can be satisfied that there is anything attaching to the Jews which renders them unfit for the full discharge of legislative duties—if there is anything in their conduct or principles prejudicial or injurious to the State, there is no ground on which I can ask you to pass this Bill. But if there be no ground for rejecting it on those accounts, let not your Lordships exclude them from privileges to which they are well entitled, on account of their private opinions, or of pretended crimes against God. Under such circumstances, upon whom is the onus? Upon whom rests the burden of proof, that men so conducting themselves should be excluded from the equal enjoyment of those civil and juridical rights to which the rest of their fellow-countrymen are admitted? I say the onus is on those who oppose; and, although I have not had the opportunity of considering, to the extent which I should have desired, the present subject, I have taken some pains to ascertain the nature of the objections urged against the admission of the Jews into the Legislature. I think they resolve themselves into two. One of these two is not very intelligible to my mind. It is said the Jews are of no country, and, therefore, they ought not to be admitted to a participation of political rights in any country. Why and how are they of no country? Is it because no country has chosen to admit them into a full share of political enjoyment, or is it not? But that is not the fact. When it is said they are of no country, is it meant that they entertain hopes, and look forward to some future period when they shall be restored to an united kingdom according to the predictions of their prophets? Does that prevent them being of any country? Have they been permitted, until very recently, in any respect to become part of any country? They have not. It is what they prayed—it is what they asked. The period at which they may expect this prophecy to be accomplished, is distant and uncertain. Are your Lordships, therefore, to conclude that they will attach themselves to no country in the meantime—that they are not anxious to acquire rights in the country in which they are sojourners, and that they have no desire to become guardians of the property which their ancestors have gained? Where is the ground for the opinion? I apprehend that the Jews who have been born and bred in this country, who are for all essential purposes as much subjects as the men of any other religious persuasion, feel themselves just as much British subjects and of the country as any other sect. Will they have a less interest in the peace and prosperity of the country during that uncertain interval which is to exist until their restoration to Judea, if they are admitted to participate in our rights, than they have now when refused admission to them? I apprehend not. My Lords, admit them to the perfect enjoyment of their rights, and I apprehend your Lordships would soon see that every mark of distinction in a political and civil sense will be lost. I may, perhaps, be allowed to trouble your Lordships with an extract from the correspondence which took place between Mendelssohn, the celebrated Jewish philosopher, and the equally celebrated Lavater upon this very subject. Lavater wished to put certain religious questions to that eminent Jew, and that wish led to a correspondence between them. The Christian spirit displayed in the writings of Mendelssohn is remarkable—is equal, in my estimation, nay, superior to that of most of the persons calling themselves Christians, that I have seen or heard of. Mendelssohn, perhaps, might not take it as a compliment when I ascribe a Christian spirit to his writings; but everything that is mild, everything that is charitable, everything that is generous, is to be found there. In remarking upon the condition of his country, he says—

"The station allotted to my brethren in the faith, in civil society, is so incompatible with the expansion of the mind, that we certainly do not increase our happiness by learning to view the rights of humanity under their true aspect."

He then proceeds—

"Our rabbins are so remote from proselytomania that they enjoin us to dissuade, by forcible

> remonstrances, every one who comes forward to be converted. . . . We are to hold up to him a faithful picture of the misery, tribulation, and obloquy, in which the nation is now living, to guard him from a rash act of which he might ultimately repent."

Then he said—

> "We alone consider ourselves as bound to acknowledge the authority of our laws, and this can give no offence to our neighbours."

Again—

> "I am one of an oppressed people who have to supplicate shelter and protection of the ascendant nations; and these boons they do not obtain everywhere without more or less of restriction. . . . . What gratitude do not my brethren owe to the nation which suffers them, without molestation, to worship the Supreme Being after the rites of their ancestors; and the Hebrews should, therefore, be scrupulous in abstaining from reflections on the predominant religions, or, which is the same thing, in touching their protectors, where men of virtue are most tender."

In another part of the same correspondence, he said—

> "Joseph II., Emperor of Germany, issued (about 1781) the memorable 'Decree of Toleration,' which rendered the condition of the Jews under his sceptre comparatively comfortable."

After this, he added—

> "God, in his mercy, has raised up illustrious and virtuous individuals to rouse the better feelings of the nation against the oppression and sufferings of brethren living under their protection. . . . The riches of a country consist in the industry of its inhabitants. The liberality and toleration of Holland rendered that State one of the most fertile and wealthy of Europe. It is objected that Jews are too indolent for agriculture, and too proud for mechanical trades; that they would uniformly select the arts and sciences as less laborious and more profitable. But it would not be so if the restrictions were removed; 'men of genius and talent will of course embrace the learned professions; those of inferior capacities will turn their minds to mechanical trades, &c.' and each will contribute, according to his station in life, his quota to the aggregate of productive labour."

Is there any reason to doubt the accuracy of that statement? Has anything like this occurred in our own country, and is there no cause here which would account for similar indolence? Have the Jews not been precluded from being apprenticed to any trade in almost every large town in the kingdom? Have they not been excluded from carrying on those trades which the subjects of the country were generally permitted to do? Certainly they have. And I have heard it remarked that the cause why so many of the Jews are connected with the trades in money and jewellery, is the result of a long association

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—that the cruelty and persecution of the nations wherein they dwelt so frequently attacked their property and spoiled them, that it was found necessary to have it in the most convertible and portable form, when the necessity for their withdrawing from persecution might arise. Circumcumstances have, however, now greatly changed. They may now be apprenticed, and many other restrictions have been removed; and those who make the remark about their aversion to trades, overlook the impediments which had been thrown in their way of pursuing professions like other men. The allegation that they have no country, ought to be no objection to the passing of this Bill; they have no divided allegiance, either spiritual or temporal. When you say they have no country, surely in whatever sense you say it, they cannot be, and are not, insensible of the value of the protection and the enjoyments which they possess in the country where they now reside. They have no rival allegiance—they have no country to whose prosperity they can look with more interest than that in which they live. Therefore I should say, the fact of their having no country, in the sense in which the term is used, gives the best security for the country which protects them. Can it be said they would be influenced in their allegiance, in their obedience, in their desire to advance the prosperity of the country, because they look for the accomplishment of distant and uncertain prophecies? You might as well suppose that the conduct and opinions of other men would be influenced by the anticipation of the millennium. In this country give them protection—give them the rights enjoyed by your other subjects—give them the enjoyment of the British constitution, and there is no reason to suppose you will have less faithful, less obedient, less loyal subjects of the Crown, than any other class of mankind. My Lords, I refer to what their conduct has been when under persecution, when under restriction, in order that your Lordships may judge what it will be when they are justly admitted to the enjoyment of more perfect freedom. I therefore submit to your Lordships that in reality, of all classes, the Jews furnish the least objection to the possession of proper qualifications for legislation. On the policy of such a measure, I will name to your Lordships the opinion of another man, whose name I have never heard mentioned but with the highest admiration, and the most profound respect. He was a Dissenter, but a Dissenter gifted in a remarkable degree. The late Rev. Robert Hall, of Leicester, after alluding to the Jews, and stating that there could be no salvation except through the merits of Jesus Christ, said—

> "Nor ought it to be forgotten that it is impossible to continue in the Papal communion without committing idolatry, a sin against which the most fearful maledictions of Scripture are pointed. Notwithstanding this, however, all candid Protestants acknowledge the possibility of salvation within the Romish pale."

In another passage Mr. Hall said—

> "We should, therefore, be inspired with an increased tenderness and respect for the seed of Abraham, as containing, notwithstanding its occupying a distinct fold, a portion of the true Church of God. If we can be induced to hope that He has still a people among them, we shall be ready to look upon them with something like fraternal affection, and to embrace every opportunity of reprobating and removing the cruel privations and restrictions imposed by Christian nations, who, absurdly imagining that they do an acceptable service to God by their persecution and depression, are in reality treasuring up wrath by aggravating the affliction of those whom He has smitten. It is surprising that any man can read the ancient prophecies with attention without perceiving that He surveys the treatment of His ancient people with a jealous eye, and that while He signalizes his displeasure against them by the course of His providence, He will enter into a severe reckoning with those who shall be found 'to help on the affliction.' A large arrear of guilt has been contracted by the nations of Christendom on this account; and in this age of liberality, when such mighty efforts are made to procure the removal of political disabilities on the score of religion, it is surely high time their attention was turned to the oppressed and persecuted children of Abraham. Their political emancipation and restoration to the equal rights of citizenship might be reasonably expected to soften their prejudices, and dispose them to a more faithful hearing of the Christian cause. As the basis of all social virtue is laid in justice, so by none should its obligations be deemed more sacred than by those who make loud professions of Christian zeal and exalted charity."

My Lords, it is true that remarks of a caustic nature are sometimes made against the Jews; but that great and good man calls attention to the fact, that God will mark those who rejoice in their calamity. God hardened the heart of Pharoah not to let them go. I trust that God will not harden the hearts of the Peers of England against them so that they may not be admitted into the Legislature of this land. Although the Almighty, in the inscrutable ways of His providence, may think fit to afflict a portion of mankind, is it the part of a Christian to endeavour to aggravate that affliction? Nay, is it not obvious that Divine vengeance has been brought down on nations for the perversion of that duty which Christianity commands? It is your duty to relieve distress. It is no part of your duty to add to the cup of bitterness which that nation has been compelled to drink. I would say, Leave to the Almighty the accomplishment of His own objects, and do you soften wretchedness and distress, and relieve the persecuted. Does any man suppose that by any act of his he can avert the accomplishment of prophecy, or add to its force? Assuredly not. The Jews undoubtedly have been placed under the Divine displeasure; but that furnishes no ground, no pretence to a just mind, for withholding from them those rights to which their political station entitles them, and which they are competent to discharge. My Lords, it is next said, that this is a Christian country. Thank God it is, and I may say, thank God I believe it will ever remain so. But will any man say it will be less so because we admit a few Jews into Parliament? My Lords, who most unchristianises a country — the faithful Jew, adhering to his creed and his faith, refusing to adopt any form or obligation, the force of which he does not feel, or the indifferent (or it may be the infidel) Englishman, who will swallow all oaths repecting religion with perfect ease? What security do you take, what test do you apply, to provide that you shall have honest Churchmen in the Legislature? You do that, perhaps, which, in one sense alone, you can do. You call on men to pledge themselves in a certain form of words; but you cannot read their hearts. But is it certain that infidelity will be excluded from Parliament by abjuration oaths? Notoriously not. I say therefore that the words, "on the true faith of a Christian," ought to be omitted from the oath of abjuration, and that it is a form which ought no longer to be enforced. I say you will not less Christianise the country, and the Legislature will not be the less a Christian Legislature because you admit a few Jews into it. What danger can you incur? Surely, when men are assisting in all the exigencies of the State, you should show some disqualification when you exclude them from the enjoyment of political rights. Do you fear their loyalty? Do you fear the proper discharge of their duties in civil life? Do you fear that they can overturn your religion, or bring it into jeopardy? What must be the result of the slightest indication of any such attempt? But of all men, who are the least likely to make it? The Jew will not admit you to his faith. His faith is confined to the seed of Abraham. He is too proud, too jealous of the promises to his nation. He has no rivalry to set up. It is said that his peace is in the peace of the city where he dwells, and he is told to pray for the peace of that city. Tell me the motive of the Jew to endeavour to impeach the Christian religion in any respect. Where is the evidence that the Jew has ever in any respect shown any disposition to make proselytes, any disposition to affect the Established Church? What gives at least one great security for the peace and prosperity of this country? Undoubtedly the Christian religion and the Established Church. And the Jew is interested in all that prosperity because it tends to the security of his own property. Not by the charms of eloquence calculated to withdraw your attention from the main subject —not by exaggerations and statements which experience and facts do not confirm —but by the words of truth and soberness let the House be informed, judging of the conduct of the Jew as a citizen, what is reasonably to be expected from him in the character of a legislator. You have peaceable and loyal subjects contributing to the wealth of the country, and having every motive to promote its peace. Whence does the objection come? Having examined the objections, it appears to me that the arguments resolve themselves into the two points I have mentioned, and they do not appear to be supported either by facts or arguments which ought to satisfy your Lordships' minds. Then, my Lords, if I am correct in saying that the conduct of these men throws the onus on those who oppose them, and if that onus is attempted to be discharged only by the objections I have mentioned, I ask, do they furnish any just ground for exclusion? My Lords, if you want to find an example of the sublimest adherence to faith, of the sublimest wisdom, and qualities of the highest order, where do you look? To the ancient Jews. Where do we find such specimens of divine truth, delivered with such force and beauty of language, as are to be met with in the writings of the Jews? You have their failings recorded, it is true. But it has pleased Providence to record in those ancient chronicles the failings of great and good men for wise purposes—not to degrade their character, but that we might learn wisdom, and that "he who thinketh he standeth, take heed lest he fall." Of all nations, which stands the highest in sublimity? The Jews; and there is not a nation that has not cause to envy them. Shall I be reminded, as an argument against this Bill, of the circumstance that the Jews had crucified our Lord? Is it for your Lordships to enter into the question how ancient prophecies, written when the Jewish nation was the favoured of God, but which predicted that His people should be the murderers of His Son, were fulfilled by the event? Your Lordships have good example how you should deal with this question. Our Saviour, at the moment when He expired upon the cross, said, "Father, forgive them! they know not what they do." Ought not this also to be the language of your Lordships? If they knew not what they did, and if it pleased Providence to blind them to the force of truth when the eyes of others were opened, who shall say that the decrees of Providence are not wise and good? I present to you, my Lords, the Jews as good citizens, as faithful to their creed, of which it is no part to make any attempt inconsistent with the public good in any temporal and every spiritual point of view. Why, then, withhold from the State the benefit of the wisdom and experience of these men? Or why from the Jews the rights to which they are justly entitled? Your Lordships having had the subject repeatedly under consideration, I pray of you to bestow upon it once again that intelligence and that wisdom which I ascribe to your Lordships; and I do trust you will perceive that, whatever impression you may have heretofore entertained, that wisdom and justice will dictate to you at last that there is no longer any reason for that exclusion of the Jews from those highest civil and political privileges to which they aspire. I call upon your Lordships to "do justice and love mercy." The noble and learned Lord then moved that the Bill be now read a Second Time.

EARL NELSON said, he would not attempt to follow the noble and learned Lord through the sermon he had just delivered; but in listening to the address of the noble and learned Lord, he could not help feeling thankful that the noble and learned Lord had delivered that speech from the eminent position which he occupied, and not as a bishop of the Church; and he was afraid if the Jews were admitted to Parliament, they would often hear the expression of similar opinions. The noble and learned Lord had talked of the concessions which had been made to the Jews. He (Earl Nelson) was thankful for those concessions, but could not see why, when they had been made, the whole of the noble and learned Lord's argument should be directed to the condition of the Jews before the granting of such concessions. The noble and learned Lord confounded the Jews at the time of Pharaoh with the Jews of the present day, and had argued that, because we had admitted them to civil and municipal offices, such as those of judge and sheriff, that we were to admit them to seats in the Legislature. The noble and learned Lord did not seem to see the difference between making laws and administering them. The noble and learned Lord lauded the benevolence of the Jew; but it was trifling with the argument to adduce this trait in their character, for whether they were benevolent or not—and he (Earl Nelson) admitted that they were—had really nothing to do with the question. The noble and learned Lord next alluded to the state of feeling in the country, and observed that the question had been carried five times in the House of Commons. In this, however, he was certainly mistaken, for he believed it had been assented to only four times. He (Earl Nelson), however, would rather take as an index of the state of public feeling, the majorities by which those Motions had been carried in the Commons, and the petitions that had been presented for and against the measure. The noble and learned Lord had admitted that few petitions had come up in favour of the Bill, but had himself accounted for the fact by observing that the country had been agitated by another question which had occupied them. If the feeling of this country was emphatically and progressively in favour of the admission of the Jews into Parliament, how was it that so few petitions had been presented in favour of this Bill? and how was it to be accounted for that the second Bill introduced for this purpose into the House of Commons had been carried by a smaller majority than the first? How was it to be explained that the third Bill, brought in last year, had been received with so much apathy, that it had never reached the House of Lords at all? And, above all, how could it have occurred that of all the majorities whereby the Bill had ever been carried, the smallest and most insignificant was the last? How did it happen that the majorities had dwindled away, division after division, until the original majority of 90 had been reduced to 25? All these facts proved more eloquently than could a thousand arguments, that if there ever had been any feeling amongst the public in favour of this measure, that feeling was steadily and rapidly declining. The noble and learned Lord did not make much of the argument that the words "on the true faith of a Christian" were not intended to exclude the Jews. He (Earl Nelson) allowed, indeed, that they were not at first intended to exclude them; but in the time of the first two Georges there were two Acts passed, in which these words were considered as virtually excluding them, and as meant for nothing else. For in these Acts, which were for the purpose of naturalising the Protestant and other bodies in America, no other words than these, "on the true faith of a Christian," were considered as affecting the Jews. At all events, now, the words had the effect of excluding the Jews; and whatever were the reasons, right or wrong, for introducing them, it was for their Lordships to decide whether they would strike out the words. It had been said to be absurd to talk about a Christian Legislature, since the Legislature was not now Christian. It was true that in one sense the Legislature was not *bonâ fide* Christian; but that very fact was one of the strongest arguments against the Bill, for from that fact the relations between the Church and State had been greatly shaken. And was it right at such a time as this to increase the mischief, instead of removing it? In another sense, however, the Legislature was Christian. It was professedly Christian; and the profession, even if occasionally accompanied by deception, was still for good. If the restriction were removed, where would Parliament stop? Lord Shrewsbury had on some occasion said he wished Catholics to be as free to vote and use their own discretion as to matters of Church and State as the Jews would be under this Bill; and if Jews were allowed a seat in Parliament without being bound by any restriction as to the Protestant Church, how could the same liberty be refused to every class of Christians? He hoped their Lordships would see the injustice of allowing the Church to remain in her present anomalous position, and the danger of separation of Church and State, if the difficulties of her position were increased; and the awful responsibility which would be incurred by Parliament if voluntarily and unadvisedly (for the country desired not the measure) the only standing ground interposed against the admission of infidels of every class were removed. He would add that he hoped their Lordships would well weigh one inevitable effect of the admission of such persons into Parliament, which would be that the ordinary Parliamentary courtesy would gradually restrain the expression of those sentiments of attachment to the Christian religion, which surely should not be suppressed in the legislation of a Christian country. On these grounds he would move that the Bill be read a second time that day six months.

Amendment *moved* to leave out "now," and insert "this day six months."

LORD WODEHOUSE said, he was surprised to hear the noble Earl declare that the words "on the true faith of a Christian" were, if not originally introduced, at least intentionally retained, for the purpose of excluding Jews. He thought it was agreed on all hands that these words had accidentally shut out the Jews, and were not originally intended for the purpose. Nothing could be more indisputable than that those words were only introduced to give an ordinary and solemn sanction to an oath taken by a Christian gentleman. Although, however, this was so, he would rather take the question on this broad ground—whether it were advisable to make the concession of civil privileges dependent upon religious professions? He perceived with some regret that the Bill only applied to gentlemen professing the Jewish religion; for he believed that upon the same grounds on which Jews ought to be admitted, those who professed any other religion ought also to be admitted. He should be glad to see a Bill framed upon that principle, and logically consistent, enabling any gentleman, of whatever religious opinion, to take the oath, and take his seat in Parliament, omitting the words "on the true faith of a Christian," whenever he objected to take them. The usual argument against such a measure was, that by excluding Jews the Christian religion was upheld. He could conceive that on general grounds of policy it might sometimes be advisable to exclude certain classes of citizens from the possession of full political rights; there might be grounds of State policy dependent upon the various circumstances of different countries and different times; but the principles of the Christian religion were irreversible and immutable; and he did not believe that, if the Bill were rejected in the slightest degreee upon religious grounds, their Lordships would act, in any degree, in the spirit and essence of that religion. He regretted that the right rev. Prelates had been among the warmest opponents of the measure; and it was indeed chiefly owing to the eloquent opposition of some among them that such a measure was not already law. He ventured to ask those right rev. Prelates whether they found in the books or the principles of the Christian religion any injunction, or any shadow of countenance for the idea, that where Christians were in a majority in a State, it was their duty to reserve for themselves exclusive possession of the highest civil privileges? He did not believe that any such injunction could be found; and though in the present age no one would contemplate the revival of the system under which the Jews were formerly tortured, or slain, or banished, yet he maintained that, logically speaking, the spirit by which they were excluded from Parliament was practically the same. If their Lordships were bound, for the sake of upholding the Christian religion, to exclude Jews from sitting in the other House, on what grounds could they refuse, for the sake of preserving the purity of the Christian religion, to exclude Roman Catholics and members of dissenting communities? Of course he should be told there was a wide distinction between the cases; for that Catholics, Protestants, Episcopalians, Presbyterians, Dissenters, Unitarians, and Quakers, however they differed, were of the same Christian religion, and were bound together by one bond of union and brotherhood. He wished he could believe it. He wished it could be said in any sense that Christians were bound together by any bond of union. On the contrary, unhappily, the truth was, that the most bitter dissensions that had ever distracted Europe had proceeded from the dissensions of Christians. And could it be said that the admission of Jews into Parliament would bring in any more elements of hostility? or were their Lordships, for the sake of a mere visionary dream of Christian unity, to continue a restriction which placed a stigma upon a most deserving class of Her Majesty's subjects? It was said that the Jews were aliens; but unless their Lordships looked to ancient prophecies—which surely could scarcely be cited in such a discussion, and in which it was stated that the Jews should wander over the face of the earth, and at some time return to their promised land—how could it be said that they were aliens? They were no more so than the descendants of any families who had settled in England who were originally foreigners, but whose children were English in birth, and were Englishmen in right. Sometimes the money-power of the Jews was spoken of as an element of danger. Surely this was a most unworthy argument for a Christian. Had it never been heard of how Christian money was spent at elections to corrupt Christian men? and could it be pretended that any greater corruption would be introduced by the admission of Jews. It was said again, that their admission would poison Parliament—the great "artery" of the constitution. Had it, however, been forgotten, that every channel which led to that artery had already been allowed to be so "poisoned?" This was an argument which Christians would do well not to use. The Jews were permitted to occupy the highest municipal offices, and when the electors had appointed a Jewish gentleman to a high municipal office, and when by a long and faithful discharge of his duties he had obtained their confidence, with what consistency could their Lordships say to those electors that they must not elect him to represent them in Parliament? Surely this was not consistent; and he earnestly hoped that, by supporting the Bill, their Lordships would remove the inconsistency; and, above all, sanction the great principle that the possession of the highest civil privileges ought not to be dependent upon religious profession.

The ARCHBISHOP of DUBLIN said, that he had so very long ago, and so very frequently, placed on record his opinions on the question now under consideration, not in their Lordships' House only, but also in published and printed works, that there was the less necessity for his trespassing at any great length upon their Lordships' attention on the present occasion. But the very fact of his having explained his views on many previous occasions, rendered it necessary that he should address a few remarks to them, to show that neither the lapse of time, nor facilities for more mature deliberation, had in any degree modified those opinions which he had from the first put forward upon this important subject. He had not, either in respect of this question, or of that other question, scarcely less important, which had occupied their Lordships' attention a few evenings since, changed the opinions which, through the press and otherwise, he had promulgated to the public many years ago:—on the contrary, he adhered to those opinions all the more stedfastly, because he found that neither by learning nor by ingenuity had any refutation of them been as yet devised. The grounds upon which he had hitherto voted for this measure were not those that were usually taken up by its other advocates. He did not mean to take exception to the arguments upon which others based their advocacy of this measure; but he claimed for himself, if not the merit, at least the distinction, of viewing the question through a different aspect. He had never advocated the admission of Jews into Parliament, but he had all along advocated the leaving the constitutional privilege of free choice to the electors. He had never advocated the cause of the Jew any more than that of the Hindoo, or the Mahomedan; but throughout his life he had declared that the restrictions ought to be removed which were now placed upon electors with respect to the persons whom they might think fit to return to Parliament as their representatives—unless, indeed, it could be shown that some political danger would arise to the commonwealth from the electors being permitted to make a free use of their own judgment. He had said nothing against the Jews, and he had sedulously guarded himself against saying anything in their favour. He did not consider that the cause which he was advocating was that of the Jews; he rather regarded it as the cause of the Christian inhabitants of this country, that no secular penalty or civil disabilities should be imposed upon persons of the Jewish persuasion. The real question at issue was this—shall the Christian population of this country be permitted to enjoy the unfettered exercise of a political right; or shall the exercise of that right depend upon the religious professions of the party in whose regard they may choose to exercise the right? Now, the more he thought, and the more he heard, and the more he read, the more profound became his conviction that it was in the highest degree impolitic and inexpedient to attach secular or civil disabilities to the profession of any description of religious opinions. Neither could he understand upon what principle of Christianity any such disabilities could be justified, seeing that the Divine Founder of Christianity had himself declared that his kingdom was not of this world, and had enjoined upon his disciples the duty of rendering unto Cæsar those things which of right appertained even to that idolatrous emperor. Even at the risk of incurring the imputation of tedious repetition, he must again declare his conviction that this was not the cause of the Jews, but rather that of the Christians. The question which their Lordships were called upon that night to determine was simply this, whether the free Christian electors of this country were to be at liberty to send what man they pleased to represent them in Parliament, or whether the exercise of that privilege was to be encumbered by considerations having reference to the religious faith of the man by whom they might desire to be represented. The question was not whether Jews should sit in Parliament, but rather whether in this free and enlightened age the Christian electors of this Christian nation should have the right to choose whom they liked as their representative, or whether their hands were to be tied in that respect. He would vote in the affirmative of that proposition. He admitted that the present Bill did not take a proper hold of the subject, and he entirely concurred in a sentiment expressed by his dear and lamented Friend, Bishop Coplestone, which he found in a letter which had been recently published, that the question had not yet been placed on its true basis, and that a Bill having such an object as the present ought to have been introduced avowedly as for the removal of all religious disabilities, and not simply for the relief of the Jews. But although the Bill was not presented in that shape which would most faithfully illustrate its tendency, and although it was not brought forward in the manner most consistent with the principle promulgated, nevertheless their Lordships should seek to view it in its legitimate aspect, and should endeavour to arrive at a right conclusion, and to do so on right premises. The Members of the Government did not always find it possible to take a great and comprehensive view of a question; they were oftentimes compelled by the difficulties of their position to apply a measure of great and universal importance to the purposes of a particular case. He gave the Members of Her Majesty's Government the benefit of this admission; but he should not be tempted by any such consideration to view the question in any other light than that which he believed to be the legitimate one. Again, he said it was his deliberate conviction that they ought to remove all religious distinctions from the exercise of political rights, unless, indeed, it could be shown that such religious distinctions were inseparably connected with some political or civil danger to the community, and that was not even contended for in the present case. He had never said that there was no political danger to the community in the admission of Catholics into Parliament, but he had always said that it was better to brave that danger than to depart from the benignant spirit of the Christian religion. He believed that whatever danger threatened the Church, was greater from Roman Catholics and all classes of Dissenters, than from Jews. He had no apprehension that Jews would Judaize the State. It was said that the retention of these words in the oath, "on the true faith of a Christian," was doing honour to Christianity. He would retain the oath in its present form, if he could think that in its present form it did honour to Christianity; but he could not reconcile himself to any such conviction—he thought that the oath in its present form was a dishonour to Christianity; and he believed that it was an imputation on Christianity to suppose that it could be so honoured, and should be so supported. He trusted that no one would consider him as indifferent to the Christian religion; neither was he indifferent to Protestantism, nor to the Church to which he belonged—yet he did not consider that by the admission of Dissenters to Parliament he was doing dishonour to the Established Church, or dishonour to Protestantism by the admission of the Roman Catholics. If that were acknowledged, how could it be said to be a dishonour to Christianity to admit the Jew, if the electors thought fit to elect him? The cases were perfectly parallel. In a word, he could not comprehend how the religion of Christ could be strengthened or dignified by restricting the electors of this country in the exercise of a political right. He had heard it curiously alleged by some that the success which Providence had been pleased to vouchsafe to the British arms in India, was in itself a sufficient reason why such restrictive laws as these should be retained upon the Statute-book. Now, he must say that this train of reasoning appeared to him to be rather more remarkable for its ingenuity than for its truthfulness. He should be sorry, indeed, that it should be thought that either calamity or defeat, victory or disaster, could make him indifferent to Christianity; but he confessed his total inability to comprehend how the victories in India could be connected with the maintenance of the civil disabilities—he would not call it of the Jews—but of the Christian electors at home. The State was always found quite ready to avail itself of the services of all persons, of whatever persuasion; and with respect to the victories in India, where would those victories have been, if all the soldiers who would not take an oath "on the true faith of a Christian" had been disbanded? Nine-tenths of them, he believed, were Mahometans and Hindoos; but yet the State was ready to make use of their services against the enemy, and would be perfectly consistent in making use of their services in that or the other House of Parliament, if the electors thought fit to choose them. He conceived that the electors had a right to demand this as British subjects, and still more as Christians and as followers of Him who declared that His kingdom was not of this world, and who disavowed all connexion with political ascendancy and political power, and had deprecated any attempt to use spiritual affairs for the propping up of temporal kingdoms.

The EARL of SHAFTESBURY said, it is impossible to approach this question with indifference, or without a deep conviction that it demands our most serious and respectful consideration. The greatness of the principle involved, and the political feebleness of those in whose behalf it is urged, are weighty reasons, when combined, to command a more than ordinary attention to the measure now submitted to your Lordships. Yet, I much regret that this question has been revived. Nothing new has occurred to alter our opinions: the same proposition is before us, and we must offer it the same resistance; and, in fact, we must resort to the same arguments, for the question is so simple that it cannot be regarded in different lights. It is one altogether of principle, and does not afford the aid and variety of numerous details. I regret that the noble Lord who spoke last but one (Lord Wodehouse) made a remark to the effect that all those who opposed this measure were more or less tainted with a spirit of persecution, and that, though the time was past for the whip or the rack, yet the spirit of persecution remained. I regret that that observation fell from the noble Lord, for in what a way might it not be replied to? Might we not retort and say, that if we are tainted with a spirit of persecution, you are tainted with a spirit of infidelity? I will not use that retort, for I know you are not tainted with such a spirit; but I implore your Lordships to abstain from such imputations, and to allow this debate to be conducted as similar debates hitherto have been, both in this and the other House, with great moderation and fairness. I must, however, guard myself and those who think with me against a charge of bigoted hostility to the Jewish race; we do not reject them because they are aliens, though, despite the assertions of some of their friends, they are a distinct nation, and will ever remain so; but it is their concern, and not ours, if they choose to make the effort of sinking their distinctive honours in the confusion of the Gentiles. We do not exclude them as a disloyal, base-minded, or incompetent race of men, as an inferior class; very far from it; neither do we exclude them because they are few; the principle on which they stand and on which we resist is the same, whether they be one or 1,000,000. Still less do we exclude them, as it is often affirmed, and specially by the late Sir Robert Peel, in any sense of vengeance or chastisement. God forbid! First, we have no warranty to do so; secondly, we know not the descendants of the guilty; thirdly, for the matter of that, the Gentiles were, to say the least, quite as much partakers as they were of the sin of the crucifixion. The truth is, that our difficulties are not in respect of them as Jews, but arising within ourselves; not in anything peculiar to the race, but grounded on the rigour of our own principles. Here, then, is the simple issue; for the purpose of admitting the Jews to Parliament we are summoned to make an alteration in the oath taken at the table by the Members of both Houses; and that, according to the terms of the Bill, "that whenever any of Her Majesty's subjects professing the Jewish religion shall present himself to take the said oath of abjuration, the words 'upon the true faith of a Christian' shall be omitted out of the said oath in administering the same to such person." The Jews now demand admission to the Legislature; it is, in fact, all that they can demand. On this point we have the authority of one of their own advocates, Dr. Van Oven, who said—"The only serious disability which remains to the

Jews is their exclusion from Parliament." Now, we venture to assert that, admitting all former demands to be reasonable, this is of a different complexion; it is one which I will endeavour to prove that they have no right to make, nor we, on our part, any power to concede. Now, consider what the Jew demands—look first to his peculiar character and position. We will readily admit that he is an honourable and upright man, liberal and humane, with adequate intellectual acquirements. But his very existence and profession are perpetual and manifest protests against the reception of Christianity; he declares it to be in all its forms, circumstances, and capabilities false and fraudful; he cannot take shelter, like the infidel, under the plea that, however erroneous it be, the general submission to it is beneficial as a means of public order, because the general acceptance is a reflection on himself, and stamps him with a disagreeable notoriety. This is the well-known creed and feeling of his nation all over the world, in every people and kingdom under heaven; it is, therefore, not the opinion and resolve of an obscure and scanty class, suddenly and capriciously entertained—it is the faith of a whole people, the inheritance from their forefathers, universally, openly, and consistently maintained. His very existence, as it were, depends on such public and determined protests; and, if he be conscientious, he must take no middle course—he must publicly assert it, seek by all legitimate means to diffuse it, and lend no aid, direct or indirect, to the advance of its adversary. Now, with all these feelings and principles, with all these open manifestations and secret sentiments, he demands a seat in the British Legislature, to make laws that shall indirectly affect the Church of Christ, and directly the Church of England, which is a branch of it; and this he does openly professing his hostility to the faith, name, and very book of our religion, admitting that the simple recognition of it condemns him. Nay, he does more. In this spirit, and with these declarations of antipathy, he summons us to make the concession by doing what seems to exhibit our utter indifference to it. He denies the "true faith of a Christian," and then summons us to withdraw the words as improper or unnecessary—he summons us, at least, to avow that the declaration is unnecessary. Is this within the limits of legitimate demand? Has any man a right to demand this of another? Nor have we, I think, a right to concede it. Here is a declaration that, either actually or virtually, has been made by every one assuming a seat for more than 200 years. We are summoned to repeal it, not because it is false or unnecessary—for, if so, you would have moved its repeal irrespectively of this question, and when you abolished other needless oaths—but because it is inconvenient, and excludes the great antagonists of the Christian name. We cannot think that we have a right so do deal with solemn professions. If it were a question of repealing all oaths, the subject might be differently regarded, but it is a question not upon the principle of oaths generally, but on the expediency of this. We may give to the Jews a share in our privileges and our power, but we have no right to admit them to a share of government in ecclesiastical things, and simultaneously declare that Christianity is not necessary to the character of a legislator; no right to admit them to a power of making a public, legal, legislative effort for extirpating Christianity. You cannot quote the case of Dissenters, and Roman Catholics, inasmuch as, however hostile those persons may be to the Established Church, or to any other of our institutions, yet they are not, as in the case of the Jews, hostile to the very name and vitality of the Christian religion. Nor may you answer us, as the Lord Chancellor has done, by asserting the inherent vigour of Christian truth, and the utter impossibility of danger to it from the presence and activity of Hebrew lawgivers. We agree with you; but this is not a question of details, but one altogether of principle. Great principles are confided to our care, and given for our guidance, and we have no more right to surrender a principle for public or private convenience, than we have to do a dishonest action. I was astonished to be met here by the Lord Chancellor with the taunting query, "What do you apprehend?" We reply, that the sacrifice of principle is always perilous, and that no man can affirm that evil results will not occur because we are unable to specify them; they may be, and possibly would be, of a nature totally different from those that arise on practical questions, but, nevertheless, equally formidable. We maintain, therefore, that we have no right to concede this demand. We may give up what is our own, our safety, our dignity, nay, exclusive power or privilege, nay, the fabric even of the Church, if we will; but we can neither assert what is false, nor, as in this case, consent to withdraw or suppress what is true. Mark you, my Lords, this is no ordinary matter; you do not assert in this oath, by way of exercise or amusement, that parallel lines will never meet, or that two and two make four; you assert the great and dominant principle of all public and private morality; you assert the alpha and omega of all legislation; you erect the pillar of cloud by day and of fire by night to guide us on our path; and will you not, by this immolation of truth to expediency, be guilty of misleading many of your fellow-subjects, and teach them to believe that the assertion of such mighty principles is now become antiquated and unnecessary? Now, a very serious consideration arises, whether it would not be better, if such repeated changes are contemplated, to repeal oaths altogether? I should prefer things remaining as they are; but I should prefer that abolition to any further tampering, which is inevitable. I very much doubt the propriety of successive changes of an oath to suit successive occasions. Let us fairly understand what is the value of oaths. It has been said they did not keep out Bolingbroke, Gibbon, and others, and thus their value is denied; but how often have I heard their strength denounced in excluding Roman Catholics, and now Jews; but surely in quoting the oaths of Bolingbroke and Gibbon you take a very imperfect view of the oaths sworn at this table. They are not simply the personal assurance of the individual, but the declaration of the national sentiment. The nation cannot swear and profess; it therefore does so by its representatives. Bolingbroke and Gibbon took the oath and jeopardised their own souls; but they bore a public testimony and yielded to the principle of the nation. Many advocates of this measure say, the exclusion of the Jews was never intended by the words "true faith of a Christian." That may be good for a legal argument, and against those who maintain the admission of Jews to be unconstitutional; but nothing to us who resist it on religious grounds only. We do not say that we should have put into the oath the words now proposed to be removed in the case of the Jews; but we find them there, and we cannot retreat from them without a sacrifice of principle, and without declaring that the words and the sentiment are equally useless. The noble and learned Lord (the Lord Chancellor) has said that the Jews are admitted to corporate honours, and has argued that there is an inconsistency in excluding them from legislative functions. But there is the widest difference between administrative and legislative functions. The first are given by a Christian head, and the party who assumes them knows he must use them for Christian purposes, and is bound within the limit of the law; but, in respect to legislative functions, the individual who discharges them acts as he pleases, and is responsible to no one. I know that Quakers and others have been admitted into the other House, who are not required to use the words "on the true faith of a Christian;" but they all approach the table professing Christianity, and do not profess to be antagonistic to the Christian faith. No one can deliberate on this question without a deep sense of the mighty debt that is due to the Jewish people from all the nations of Christendom. We owe them much, very much, for the wrongs they have endured, and much for the services they have performed; they ought to be "beloved for their fathers' sakes." I am sure I speak the sentiments of all who oppose their claims when I say that we would willingly show every honour to their orderly demeanour, their surprising energy, their intellectual greatness. We would make them every compensation, and atone for the past by the liberality of the future; but, unfortunately, they demand the roc's egg; they require that which is not ours to give, they seek from us (such is our opinion) a surrender of the truth; and we are compelled, with intentions and feeling the most friendly and respectful, to assume an attitude of apparent hostility. I am very loth to believe that this ambition to sit in the British Parliament, or to take part in the councils of any empire, is the predominant desire of the Hebrew nation —for a nation they are, and a nation they will continue to be to the end of time. It is vain for some Jewish advocates of the question to assert that they are lost, sunk, confounded in the mass of the surrounding community; it is an untrue and a degrading assertion;. untrue, because directly opposed to holy writ, which declares that "the people shall dwell alone, and shall not be reckoned among the nations," and again untrue, because disproved to every one who reads a book, or converses with travellers, or perambulates the streets. Degrading it undoubtedly is, for it denies to them all the glories of their future career—a career the most brilliant, the most extensive, the most durable, and the most blessed in the entire history of the human race. So much for them; for ourselves, we must reply that a great and holy principle has been confided to our charge; responsible for the sacred office, we must keep it in all its integrity. It is a principle, which, with every sentiment of veneration and sympathy, we will not, and we cannot, yield to any authority less than that which originally imposed it.

The EARL of CARLISLE said: As on most subjects I would fain hope I have the happiness of agreeing with my noble Friend who has just spoken, so, when constrained to differ from him, I always respect and admire his principles and motives, and his courageous and consistent assertion of them, so much so that I am always inclined to regard my own opinions with some degree of suspicion when they do not accord with those of my noble Friend. My noble Friend has been recently most worthily selected to fill the very honourable post of Chairman of the British and Foreign Bible Society; and I could not hear his speech without regretting that in taking that chair he has not inherited the sentiments which his meek and pious predecessor, Lord Bexley, always professed on this subject. With respect to the question before the House, after the clear statement of the noble and learned Lord on the woolsack, and the arguments of the most rev. Prelate (the Archbishop of Dublin), well worthy of his Christian character and logical reputation, and remembering also that when the question was last before your Lordships I stated my opinion fully respecting it, I should now hold it to be inexcusable in me to trespass long on your Lordships' time in recommending this question to your favourable consideration. The question does not admit of many fresh views or arguments, though, in my humble judgment, the lapse of time and the course of events have materially strengthened the already subsisting reasons for its favourable reception. My noble Friend expressed his regret that an attempt should now be made to revive this question; but your Lordships will remember that the noble Earl who moved the rejection of the Bill, made it an express ground of argument against proceeding with it, that we abstained from bringing it before your Lordships' House last Session. Allusion has also been made to the absence of petitions. I do not pretend that there has been any great number of petitions either on one side or on the other; but it was mere accident that prevented either myself or one of my Colleagues from laying on your Lordships' table a petition from the Lord Mayor, Aldermen, and Common Council of the city of London, which was agreed to this day without an expression of dissent, I believe, among the whole of that important body, and which proves that they persevere in those generous and liberal sentiments which they have hitherto entertained in reference to this question, and which they have taken the most practical method of exhibiting. For the reason I have just stated, I wish to narrow my observations to one single point, the more especially because I believe it is the only one of any weight or substance with which the promoters of this measure have to grapple. I mean the conscientious view—the view of principle, as my noble Friend described it—the religious objection entertained to the measure; because, apart from this, I know your Lordships—as, indeed, has been admitted by some—would not apprehend any merely political ill consequence or danger from granting emancipation to the Jews. Their limited number, the character they have constantly borne in this country, and the whole tenour of their habits, are a guarantee against any such apprehension. Apart, also, from this religious objection, I know your Lordships would not grudge to your Jewish fellow-countrymen the attainment of wishes which so many entertain, of being placed on an even level with their more fortunate fellow-subjects. The only reason, I am persuaded, with the opponents of this Bill for refusing their assent to it, consists in a feeling on their part, as expressed by the noble Earl, that to give that assent would be an act, as it were, of disloyalty towards the Divine Founder of our religion; and that whereas the only thing worth striving for, or worth living for on earth, is the extension of His empire, such an association with His enemies as this Bill is said to contemplate, such an act of grace and condescension towards those who are represented as bound to protest against the continued existence of Christianity, would be to invade His rightful supremacy, and to deprive Him of a portion of His rightful honour. Now, if this objection were well founded, I fully admit that it would exclude all further controversy, and would quite conclude the question; but that is not the view I humbly entertain on this question. He did not certainly treat this as a question of indifference, or look upon the religious objection as a thing which mainly belonged to the domain of theology, and which ought to be excluded from the concerns of life and the ordinary current of political affairs; but he held that loyalty, devotion, and attachment to any cause or to any service were best exhibited by imbibing as much as possible of its spirit, and exhibiting as much as possible of obedience to the principles which it entertained. Now, how do I read the precepts of Christianity as I believe they may be legitimately applied to the question before us? I need not assure your Lordships that I should shrink from making any light reference to a solemn authority; but I feel that this is a question which, upon either side, can only be worthily discussed by being discussed upon religious grounds. There is, first of all, and always, then, the pervading rule of our divine faith, "Do unto others as ye would that others should do unto you." I admit that this must be construed, in the transactions of human affairs, with reference to the conditions and circumstances to which it is to be applied. But the circumstances of the case now before us are the admission of our Jewish fellow-countrymen to the share which naturally accrues to them in the legislation; and, therefore, in the practical government of the country of which they are the rightful citizens. Now, here, as applied to those special circumstances, comes in, I conceive, most expressly the authoritative declaration which has been quoted to-night by my most rev. Friend the Archbishop of Dublin, "My kingdom is not of the world." If His kingdom had been of this world, a special declaration of fealty might very properly have been required. The kingdoms of this world may very appropriately lay down such regulations as they think fit in matters pertaining to them. They may very consistently attempt to regulate the duties and privileges of those upon whom they confer the right of citizenship. It is quite true that the kingdoms which are not of this world have also duties and privileges of an infinitely higher character than any belonging to the kingdoms that are of this world; but, then, I contend that those duties and privileges which are not conferred by the kingdoms of this world ought not to be withheld by the coarse machinery of oaths, declarations, privileges, monopolies, and exclusions. I shall not go into the question of the origin of the words which it is proposed to repeal. I believe it is generally admitted that their insertion into the oath of allegiance was the effect of political accident. You say you rely upon these words for excluding the Jews from taking any share in the legislation of the country. But the Jew is called upon to exercise many other privileges from which he is not debarred by the oath of allegiance; and those duties which he is called upon to administer, infer more delicacy and involve more danger—where questions occur, for instance, between man and man on the magisterial bench, or, it may be, questions concerning the sanctity of public worship—which the Jewish magistrate may, in many cases, decide by himself, unchecked by the presence of other magistrates; I say that these duties infer more delicacy and involve more danger than those which a Jew would be called upon to discharge in Parliament, where he would be checked, controlled, and watched by a large preponderance of Christian colleagues. But, as I said, I don't wish to raise the question of the origin of the words which it is proposed to repeal. The question which we have to deal with is this:—Is it, under present circumstances, advisable to retain them? And here I cannot help congratulating those with whom I act on the admission of my noble Friend (the Earl of Shaftesbury), that he did not think it likely the words would now be proposed, if they had not been found already there. But with respect to the defence which is attempted to be set up for seeking to establish Christianity by the machinery of oaths and declarations such as this, I have to say that I conceive that if Christianity did require any test derived from itself to be imposed as a condition for transacting worldly business, it would be infinitely more in correspondence with the true spirit and genius of Christianity to impose such a test upon the ground of conduct rather than of belief. But your Lordships will all feel that that would not be practicable. To introduce a test of conduct, would probably be to introduce more evils than it would obviate; because it would only lead to hypocrisy and concealment. But if we find ourselves unable to exclude persons from taking a share in our legislative councils because they are profligate or profane, do not let us try to exclude those whose want of belief in the doctrines which we profess, may make them worthy objects of our compassion, but whose conduct does not disentitle them probably to the esteem and confidence of their fellow-subjects. After all, this was the habit of Paganism, and not of Christianity,

"Jurandasque tuum per nomen ponimus aras."

Christianity, viewed in the light of its sublime character, and its own divine pretensions, does not stand in need of any such earthly bulwarks. If these bulwarks are unavailing, as I conceive them to be—if Christianity does not require nor command—and I challenge the most vehement opponents of this measure to show me the place in which Christianity does require or command them—but, if Christianity does not require nor command them, then I contend that to act in the spirit—I will not here raise the question of justice—but I say to act in the spirit of kindness and generosity is the course which would be most consistent with Christianity. I have confined myself to the task which I originally prescribed to myself. I have not attempted to deal with the question of policy or prudence—I have not adverted to the topics which might have been brought forward respecting the disposition of constituencies with reference to Jewish representatives, or respecting the risk which you incur by persevering year after year in refusing your assent to a Bill sent up to you by the House of Commons on a matter concerning the composition of their own body. Neither have I alluded to that which I firmly believe — that sooner or later your Lordships will give your assent to this just and healing measure. I have urged it merely as a question of Christian principle, and I have only further to say that, seeing that your Lordships would be acting in accordance with the genius of the Gospel, and in conformity with the spirit of religion, "to do as you would be done by," especially where no danger can arise from so doing, I trust that your Lordships will not wait for a repeated experiment of this long-protracted struggle either with the nation at large, or the other House of Parliament, but that you will at once firmly and spontaneously give your ready assent to the second reading of this Bill.

The Earl of WINCHILSEA agreed with the noble Earl, that the question was one of a strictly religious character. The whole question lay, however, in a nutshell. Our Government was essentially Christian, our Legislature and everything connected with the country was founded upon Christianity; and for the purpose of admitting the Jewish people into Parliament, we were called upon to renounce that Christian character. He solemnly believed that if their Lordships consented to the measure, they would do greater violence to the religious feelings of the great body of the people of this country, than had been done by any measure which had ever passed that House. He believed that the principal reason why so few petitions had been presented to their Lordships' House upon the subject, was the perfect confidence entertained by the people that their Lordships would not for a moment entertain so unchristian a measure. This measure went to the removal of Christianity from the State; and if it were adopted, he defied them ever to shut the door against all infidels and heretics, of whatever class they might be; it would become perfectly unimportant whether he were a Christian or not. The noble Earl (the Earl of Carlisle) had challenged any one to resist this proposed concession upon scriptural grounds. Why, it was upon the grounds of Scripture that he chiefly founded his opposition to the measure. He found it expressly declared — "Whosoever transgresseth, and abideth not in the doctrine of Christ, hath not the Father nor the Son;" and, "He that abideth not in the doctrine of Christ, receive him not into your house, neither bid him God speed, for he that biddeth him God speed, is a partaker of his evil deeds." Would it, then, be said that such a concession as was contemplated by this Bill, was not in complete violation of this direction given in the inspired word of God? This was a most serious question, and, as he had said before, one of a strictly religious character. If they abandoned this declaration of Christianity, they might depend upon it that God, who had made that Christianity the very foundation of England's greatness—of her moral greatness and prosperity as a nation—would visit her people with those curses which had fallen upon the Jews for the rejection of that Saviour who died to save the world, and of that religion which we must consider as the greatest of all worldly blessings. It was not upon the ground that the Jews would abuse the privileges which they sought, that he opposed the Bill, but because he thought it could not be conceded without impairing the foundation of Christianity, on which England's greatness and God's blessing depended.

The EARL of WICKLOW said, he had listened with the greatest attention to the speech of the noble Earl opposite (the Earl of Shaftesbury), who had spoken against the Bill, and he confessed it appeared to him that all he had said resolved itself into the oft-repeated argument, that because this was a Christian country, we ought to have a Christian Legislature. The noble Earl had stated, to his great surprise, that if these words now proposed to be omitted had never been introduced, no one would now have introduced them—because he inferred that the noble Earl thereby admitted the whole case to be against him. The noble Earl had proceeded to say that because for 200 years those words had formed part of the oath, Parliament had no power to make an alteration; but the noble Earl must have totally forgotten that in every alteration during those 200 years, for the admission to Parliament of sectarians, Quakers, and Roman Catholics, the words had actually been omitted, therefore the argument of the noble Earl on that point lost all its force. It was unnecessary for him to occupy their Lordships' time at any great length upon the one great argument, that because this was a Christian country it should be entirely a Christian Legislature, because the admitting that it was a Christian country was of itself a security against any danger arising from the admission of Jews to Parliament. But he denied that this was a Christian country in the sense in which the term was accepted by those who used it. The Jews possessed every privilege except that of sitting in Parliament. The Arians possessed every right, including the sitting in Parliament. So had the Socinians; and he asserted that from the true Catholic doctrine of Christianity the Socinians were as far removed as the Jews. He therefore must candidly admit that, considering the Jews as loyal, as honourable, and as conscientious a people as any portion of the community, he thought great injustice was done them by the Legislature still withholding the right of sitting in Parliament; and after the repeated declarations of that injustice by the other House of Parliament, and when no one could point out any danger, or even inconvenience, likely to arise from granting redress, should their Lordships still determine to resist, they would be exceeding their duty, in thus refusing the wishes of the people at large, and the demands of their representatives. Upon every principle he felt strongly in favour of the admission of the Jews; but at the same time he felt bound to say that he objected in the strongest possible manner to the mode in which it was now proposed to remove those disabilities. His objection was to the imposing on any of Her Majesty's subjects the necessity of taking any oaths, to which great objection arose. In 1849 the Bill introduced by Her Majesty's Government was entitled an Act to alter the oaths required to be taken by the Members of the two Houses of Parliament, excepting those professing the Roman Catholic religion; the preamble of the Bill declared that it was expedient to alter those oaths generally. The present Bill was not so framed; it was merely a Bill to regulate the mode of administering the oath of abjuration to persons professing the Jewish religion, and he was anxious to hear the reasons for Her Majesty's Ministers having abandoned their opinion of the expediency of these alterations. It was a monstrous injustice to those Members of this House and the other House who felt sincerely desirous that an alteration should take place in oaths generally, that the Government, having declared it expedient to make those alterations, should now abstain from introducing a measure for the purpose. Allusion had been made to the vast majority with which the Bill passed the House of Commons in 1849, and the diminished number now; but was not that fact to be traced to the imperfect character of the present Bill as compared with that of 1849? To show that some alterations were required, he need only refer to the Cemeteries (Ireland) Act. He asserted that if an Act was to be passed for establishing the spiritual power of the Pope in this realm, it could not be better done than by that Act. Therefore, to ask Members to come to their Lordships' table and declare that they did not believe that the Pope had any spiritual authority within this realm, was to ask them to commit a direct violation of truth. Neither was it just to call upon them to declare that the Pope ought not to have any spiritual authority within the realm, because they had admitted the Roman Catholics to the full participation of the rights of British subjects, and it was utterly impossible for the Roman Catholics to exercise their religion without submitting to the spiritual authority of the Pope. He was anxious that something should be done before a new Parliament was summoned. In the other

House it was quite optional whether those who were elected would accept seats or not, and only those who had no objection to the oaths would be likely to return to Parliament. But their Lordships, by their birthright, had a right to be legislators, and, therefore, upon them the force of this objection particularly pressed. The noble Earl had alluded to Lord Bolingbroke and Gibbon having disregarded the oaths, and having come, as the representatives of the people, to take the oaths which the people collectively could not take. He (the Earl of Wicklow) believed that such was the moral and religious feeling of the great body of the people of this country, that they would at once decline to take those oaths. It was only from the upper classes, from the aristocracy, from persons taking high office, and from Members taking their seats in Parliament, that those oaths were required. But if the Legislature were to pass an enactment that any person entering trade or business should be required to take the oath of supremacy—any enactment which would affect the great body of the people—he would venture to say it would raise a cry which would force the Legislature to make those alterations which he now so strongly pressed upon their Lordships. With these feelings he should be very reluctant to give his vote for the second reading of this Bill, but he overcame that reluctance in the hope that should it be read a second time, the House would make those alterations in Committee.

The DUKE of ARGYLL said, he was extremely anxious to follow the noble Earl on the cross benches (the Earl of Shaftesbury), having listened to his speech with great interest and admiration, and although two speakers had intervened, he was still anxious so to follow him, because their Lordships must feel that his was an admirable, closely-reasoned argument, so far as argument on the subject was capable of being closely reasoned; and the two noble Lords who had succeeded had by no means exhausted that argument. He fully concurred with the noble Earl in deprecating, in the advocacy of this measure, any allusion to the spirit of persecution; for, although he did not believe that his noble Friend opposite (Lord Wodehouse) intended that phrase in an offensive sense, yet it must obviously bear an offensive meaning in the eyes of any one who agreed with the noble Earl on the cross benches (the Earl of Shaftesbury), as it involved a supposition of facts totally inaccurate. He (the Duke of Argyll) should not easily forget having been present, four years ago, at a great public meeting in the city of Glasgow, at which the noble Lord at the head of the Government was present by invitation. He (the Duke of Argyll) attended merely out of curiosity, as an individual among the crowd, and he heard, with infinite surprise and regret, the noble Lord say on the platform that, for the purpose of enjoying a bit of persecution, the House of Lords had refused the admission of the Jews into Parliament. He deprecated such language in the mouth of any one, but, above all, he deprecated it in the mouths of those who were in a position of authority. He deprecated it the more especially because he had encountered the greatest possible difficulties in arriving at a conclusion on the question, and he had approached it, he knew, in no spirit of persecution; and the desire to retain disabilities on account of religious belief had no part whatever in his consideration of it. But the noble Earl had put the argument in so close and logical a form, that he (the Duke of Argyll) was compelled to admit that unless he could follow it, and point out some fallacies, he could not defend the vote which he was prepared to give. If the noble Earl would allow him, he would go through the argument *seriatim.* First, the noble Earl said the concession they were called on to make, was a different concession from any they had hitherto been called on to make. He admitted that it was different; but he held that it was different in degree, but not different in principle. The first statement which his noble Friend made was, that the presence of a Jew was a standing protest against the truth of the Christian religion. His noble Friend would admit, probably, that the presence of a Jew in a court of justice, administering the laws of a Christian country, or his presence in his own private dwelling, was not a standing protest against the truth of the Christian religion, in the sense in which he put it. The noble Lord said only that when the Jew was admitted to either House of Parliament, his presence was a standing protest against the truth of the Christian religion. He (the Duke of Argyll) admitted that, in a certain sense, the presence of a Jew in any society whatever was a standing protest against his belief in the truth of the Christian religion. Knowing that the Jew did not admit the truth of the Christian religion, his presence in every and any society was a protest against his belief in the truth of the Christian religion; but it was not more so in Parliament than anywhere else. The noble Earl said, in illustration, there were certain words in an oath required to be taken by a Jew before he entered Parliament, though not in the oaths he was obliged to take before he entered other positions in society, and Parliament was now requested to withdraw those words because they were either improper or untrue. That was not the fact. That was not the ground upon which the demand was made. The ground was, that the words were not binding upon his conscience. The Jew said, "These words are introduced because they are binding on your consciences. I am perfectly fit to fill the situation to which I have been elected, and I am willing to take that oath, but I wish to omit those words, not because they are improper for the purpose for which they were introduced, but because I cannot fulfil that purpose. They may bind your conscience. I do not ask you to withdraw them because they are improper, but simply because they are not binding upon my conscience." He came now to the historical fact, with regard to the purpose for which they were introduced. The noble Earl evidently considered that they were introduced in the nature of a religious test. He (the Duke of Argyll) believed that it was historically untrue that they were in the nature of a religious test. He believed the words were solely introduced as the natural form of testifying, by an appeal to Christianity, the solemn obligations under which the Member took his seat. So far it was an argument for the demand. The noble Earl said, when they introduced Jews into Parliament, they would give them the power, so far as that might be, of extirpating Christianity, and that the object of a Jew must be to exercise hostility to Christianity. So far as the fact of the matter went, and so far as the actual condition of Jews went, as proof, he believed it was untrue that they possessed any proselytising spirit whatever. He did not believe that the Jews were anxious in any respect to inculcate their own, or to eradicate the belief of others. The noble Earl admitted that the influence might not be very great; but he said, so far as it went, whether it was the admission only of five or six Jews, it would be hostile to Christianity, but it was a question of principle, and from the principle they could not depart a hair's breadth. Then he (the Duke of Argyll) contended that the principle had been already departed from. The noble Earl had drawn a distinction between the administration of the law, and the making of the law. But admitting that there was a difference, nevertheless the principle was gone. As a matter of fact the Jew was admitted to the elective franchise, although, by the accidental circumstance of the introduction of these words, he could not sit in Parliament. The Jew was an elector, and every elector exercised a legislative power, through which the House of Commons acted. Therefore, he contended that the Jew was already admitted to the exercise, in a minor degree, of the administrative power. He admitted it was in a very minor degree; but his noble Friend said the question was not one of degree, but an abstract principle; and he (the Duke of Argyll) contended that as the mere theoretical operation of an abstract principle, degree being excluded from view, the principle was absolutely gone already. Then the noble Earl next said, "But I have been told I may be answered that avowed infidels have been allowed to take these oaths." He admitted that was perfectly true, and referred to the cases of Gibbon and Bolingbroke, but then he said, "It is a very great satisfaction to my mind, that, although the electors chose a man, whom they knew to be an infidel, and the House of Commons, on admitting, knew him to be an infidel, it is an immense satisfaction to my mind that he was obliged to go through the form of declaring on the true faith of a Christian." He (the Duke of Argyll) confessed he could derive no pleasure whatever from that circumstance. He conceived that the allusion to that matter brought the greatest and strongest objection that could be brought against any oath involving a declaration of religion. They invited a hypocrite under high premiums to increase the amount of his hypocrisy, and the noble Earl said it gave him great satisfaction. [The Earl of SHAFTESBURY intimated dissent.] The constituency could not take the oaths, and it was acknowledged that the constituency knew Bolingbroke was an infidel before they elected him to take the oaths for them. It was also known to the House of Commons; and yet the noble Earl said it was a great satisfaction to his mind that Bolingbroke was obliged to take the oath, and declare on the true faith of a Christian. [The Earl of SHAFTESBURY again intimated his dissent.] He (the Duke of Argyll) understood the noble Earl to say so, and if he was in error he did not understand him at all.

The EARL of SHAFTESBURY explained that he did not express any satisfaction that the oath was taken by Lord Bolingbroke and Gibbon; on the contrary, that it brought themselves into jeopardy. Whatever satisfaction he expressed was at the fact bearing public testimony to the observance of the principle.

The DUKE of ARGYLL did not see the difference between the explanation and his statement. The instances referred to did bear testimony to the great public principle that all representatives should go through that form. But, so far as the public principle that the constituencies should only elect men who professed to be true Christians was concerned, that principle was broken through in knowingly electing an infidel. First, the constituency knowingly elected an infidel, and the House of Commons imposed upon the infidel a form of words implying that he was a true Christian. If he could understand the argument, the explanation of the noble Earl had not removed any of the surprise which had occurred to his mind on hearing the noble Earl express satisfaction in relation to those cases which he had quoted. But even supposing it was a satisfaction of the principle that Bolingbroke should have taken that oath, it must first be proved that these words were intended to establish any principle at all. The noble Earl seemed to admit that the words were not intended to establish any principle, for he said, if they were not in the oath, he should by no means wish to introduce them; but, since they were in the oath, he was not prepared to strike them out, because it would appear in the eyes of the people as an abandonment of Christianity. Would not the objection to the striking out the words be disposed of by the noble Earl instructing the people in the historical fact that they were not introduced for the establishment of any principle whatever, and that the abandoning of them was not intended as the abandonment of any principle whatever? The objection could be easily removed by the noble Earl passing over the opinion he now held, and joining the ranks of the supporters of this measure, who felt, as they were bound to feel, that no misapprehension ought to exist in the minds of the country, that in doing what they proposed Parliament was declaring, or intended to declare, in any manner whatever, their indifference to the great truths of Christianity. There were other arguments against this measure, which the noble Earl did not use himself, which he heard often used in society. He had been told by many who were not very keen and anxious opponents to this measure, but were in this state of mind, that they could not bring themselves to the point of incurring the personal responsibility of withdrawing this declaration—they said they were willing to admit the Jew to every other society of which they were themselves members—they were willing to introduce the Jew to the Royal Society, or any literary society, because the objects of such societies were not incompatible with the opinion and feelings of his religion; but that it would be an improper thing to introduce a Jew into Parliament, which had to legislate for a Christian community. Now, it was not contended that the Jew was hostile to our ecclesiastical establishments. No one with a sense of justice, truth, or common sense, would say that the Jew was so hostile as those Christian Dissenters who were already admitted to Parliament, for he, of course, was comparatively indifferent to all questions of Christian polity. It was not contended that the Jew would not take care that the laws of property were sufficiently defended. It was not contended that in reference to any one principle of law—any ordinary action of the Legislature—the Jew was incompetent or disqualified. The noble Earl distinctly told their Lordships that the one simple point on which the Jew was to be refused admission was, what he called a principle, but for which he (the Duke of Argyll) would substitute the words—an ancient traditional feeling. As regarded the difference between Parliament and the Royal Society, it was said all our laws ought to be made in the same Christian spirit. He most fully admitted the principle; but he contended that the principle, if good for anything, was of universal application. Our inquiries into the laws of nature, of science, or of history, ought all to be conducted in a truly Christian spirit; and he was prepared to contend that, if the noble Earl would admit the Jew to any literary and scientific society of which he was a member, and would not admit him into Parliament, on the ground that their affairs ought to be conducted in a truly Christian spirit, the noble Earl was guilty of a logical inconsistency. He (the Duke of Argyll) was prepared to vote for this measure, not merely because he had never been able to see an argument stated in clear logical form, which was not capable, more or less, of being cut up on close examination, but he was prepared to vote for it on the broad principle alluded to by the most reverend Prelate who spoke early in the debate. He (the Duke of Argyll) had immense admiration for that theory propounded by the late Dr. Arnold, with respect to the connexion between Church and State. He considered that in a theoretical point of view it was the highest position to which human society could aspire, that the Church should be at one with the State, and the State with the Church, on all occasions. But he must also recognise the fact that we lived in a time of great religious divisions and religious controversies, and probably in this world this theory never would be realised. Failing the full realisation of that theory, he feared they must fall back upon the opposite principle, that of keeping the civil and the spiritual wholly distinct. He was quite aware of the use which his noble Friend might make of that argument, and he would be quite prepared to meet him upon it on Monday night, if he should then choose to advert to it. In the meantime, he would repeat that the spiritual and the civil must be kept wholly apart and distinct; so that as it was admitted to be wrong to interfere with the faith of individuals, it might also be held to be neither just, nor right, nor reasonable, to demand that a man who was entitled in every other respect to sit in Parliament, should be excluded simply and solely on the ground of his spiritual belief.

The Bishop of NORWICH said, he could not consider the measure which was now proposed as in any way affecting the interests of the Christian religion, or the Christian character of this assembly. Surely no one would seriously contend that after the admission of Jews into Parliament there would be fewer Christians in the country, or that Christianity would be less real and vital than at the present moment. It seemed to be admitted on all hands that the oath which now excluded the Jews was not intended at any time to be a religious test, and no one could explain in what sense the character of the Christianity of the country would be affected by it. Let them look at the matter attentively. Did any one of their Lordships suppose that the Christianity of any one of them would be either more or less real and influential if Jews were admitted to the other branch of the Legislature than it was now? Or would any one undertake to say that the constituencies which had returned Baron Rothschild and Mr. Salomons to Parliament were less Christian than any of the other constituencies of the country? Or let them take it as a matter of principle. No one contended that the Christian character of the British people was injured by the admission of Jews to municipal offices, and to the position of magistrates. Why, then, should they hold that the Christian character of Parliament, which was the simple reflection of the nation at large, would be injured by the introduction of a few Members of the Jewish persuasion? But while he contended that this measure was incapable of inflicting injury upon the Christian religion or the Christian name of the country, he must say that he saw something like an injury inflicted upon the Christian character by thus, year after year, refusing to deal with the measure which was embodied in this Bill. He could not but think that it was something disparaging to Christianity, that whilst they professed to be divested altogether of that wicked and persecuting spirit towards their Jewish brethren, which was the reproach of Christendom in former times, they were pursuing a course which he would not say was a remnant of the same spirit, but which, without doubt, had a tendency to revive the recollection of that spirit. He did not think that this was something disparaging to their Christianity as a nation. Let them set up as an index of their Christianity the profession of a creed by a body of men who were elected with a view to totally different qualifications; and he did not think that that would do a service, but rather he thought it would do a great disservice to the sacred cause of Christianity, by perpetuating as her safeguards tests of creed, which were neither real nor just. Believing that such conduct would do a great disservice to the sacred cause of Christianity, he would give his cordial support to the second reading of this Bill.

Lord ABINGER said, he would not have trespassed upon their Lordships' time, but for the taunt which had been thrown out, that no arguments were used in opposition to the measure. He agreed with the noble Earl (the Earl of Shaftesbury), that whatever might be the technical effect of the oath, there could be no doubt that it was never intended by the Legislature that a Jew should be admitted into Parliament; and he was reminded by the arguments which had been used on the other side of the answer of a Grecian legislator, who, on being asked why he had not introduced into his code a punishment for the crime of parricide, replied, because he could not suppose that so great an offence would ever be committed. He would proceed to state an argument against the admission of the Jews which had occurred to his mind, and which he had never heard satisfactorily answered—not that he was vain enough to suppose that he could impart any novelty to the debate, but he must own that the argument had considerable weight on his mind. It appeared to him that the Jews, as a nation, were not entitled to demand complete participation in all the privileges of our constitution, until they placed themselves in a similar position, in point of manners and habits, with the British people. Now, the Jews had cut themselves off from alliance with all civilised nations, and kept themselves separate from the people of every other country. Now, he contended that every State which pretended to enjoy independence ought to possess in its legislature some conformity in religion, manners, laws, and customs. As an instance of what he meant, he might state that it did not seem to be advisable that there should be a union in one legislature of Boers, of Englishmen, and of Hottentots, or of the Poles and Germans, or of the Dutch and Belgians, or of the Hungarians and the Sclaves. These experiments in legislation had been often tried, especially of late years; but they had never succeeded, and he believed that the same differences existed with regard to the Christians and the Jews. He contended that the first duty of every nation was to provide for the free action of its different functionaries, and with that view to deny political association to all persons who differed so extremely from themselves as to leave little or no hope for harmonious and united action. A challenge had been thrown out that nothing but abstract theories had been objected to the Bill; he would, therefore, endeavour to draw some practical conclusions. Much toleration was extended to eccentric conduct in the name of religion; but there was a limit to this latitude. To illustrate this position by an extreme case: Thuggee was a religion, yet not tolerated, because it was destructive of person and property; and if any sect or tribe should be found to propose a community of women and the exposure of infants under the name of religion, such a sect would be justly held the enemies of the human race. But much less a deviation from the general habits of mankind upon the great subjects of property and of marriage would constitute greater differences between nation and nation than the difference of climate or language. All government and laws related more or less to these two subjects. It was the latter in which the Jews differed from the rest of mankind. What other nation was so anti-social as to ally itself by marriage to no other people, and to suffer none to be allied to it? This was the secondary cause by which the Jewish nation had remained distinct and separate from all others; and for this they would continue strangers and sojourners in all other nations. It was said by a competent judge, and he believed it to be quite true, that the blood of the Chaldeans ran as purely in the veins of the Jews at the present day as it did in the time of Abraham. Now, what was the cause of that distinction? It was the same cause which had ever left them distinct—the cause which expelled them from Egypt—the cause which prevented their entire absorption—when conquered by so many various nations. No one contradicted the proposition that the Jews were a separate and distinct people, and he had pointed to the cause which had made them so—a cause which was not likely to be suddenly removed. Being thus separate by their own laws, if admitted into our legislature they would form a party having separate interests, and would act by a combined force. But their Lordships would observe that the ground which he took did not go to deprive them of all future anticipation in enjoying political privileges. If they would give up the usages and habits which now constituted them a separate and distinct people, then no doubt a very different question would arise. But at present he thought there was danger in admitting the Jews; and though their Lordships might fancy that he was something of an alarmist, he would mention a case in which there might be serious danger from the admission of the Jews. Suppose that twelve Jews in all were returned to Parliament, would it not be certain that these twelve Jews would be backed up and supported by as many Christians; and 24 men, he need not tell their Lordships, closely compacted together, might, if they chose, dictate their own terms to the Government, and command whatever places or offices they chose to ask for. If the Jews were admitted into Parliament, the consequences must be frankly accepted. But one of those consequences would be that that party who were not the party of order, or friendly to our institutions, would receive a large reinforcement; and a time was coming when he thought all men friendly to them would feel it necessary to combine against the approaching storm. Would it be prudent to add the Jews to the number of opponents? He had no personal antipathy to the Jews; but he could not believe that in the absence of a common ancestry, kindred, literature, or a sense of chivalry, so intimately united with Christianity, the Jews would be patriots. But there was another reason against the measure. He believed that the better part of the country disapproved of the admission of the Jews to Parliament; and if their Lordships gave their consent to the admission of Jews to the Legislature, he believed that their influence and character in the country would sustain a blow from which they would not easily recover. The confidence which the country reposed in the House of Lords was strong, though it might not be loudly expressed; and as he had himself sprung lately from the ranks of the people, he had not lost the habit of representing them in Parliament, and he was sure he was speaking their sentiments when he said that their Lordships would lower their character in the country by acceding to this Motion, and thus giving up one of the greatest safeguards to the religion of the country. Let them, at all events, wait until by some change in their own laws, the Jews gave reason to hope that they might amalgamate with this nation, and thus become entitled to share in all its privileges.

The EARL of GALLOWAY opposed the Bill upon Christian principles. It was written in the New Testament that without faith—that was, faith in Jesus Christ—it was impossible to please God. Now the Jew not only had not that faith, but so long as he was unconverted to Christianity, he could not have it; and therefore, in his administration of the affairs of the nation, he could not please God, because, though he had the Scriptures of truth in his hand, he not only neglected but rejected the truth contained in those Scriptures, and was therefore unfit to legislate for a Christian people.

The LORD CHANCELLOR replied. It appeared to him that the result of this debate might very shortly be summed up. There had only been two objections advanced against the measure, on which any stress was laid. One of these was, that the Jews were a separate and distinct nation; and the other argument was, or rather the result of all the other arguments was, that the retention of the words objected to in the oath involved a great principle, and that the words "on the true faith of a Christian" operated as a national declaration that this was a Christian people. Now, with regard to the first of these objections, he wished to know how it bore upon the question in hand. In what sense were the Jews a distinct people? Was it meant that they owed allegiance to any other Power and Government? Did they mean to gather from that proposition that they were less likely to continue to be good subjects after they were admitted to Parliament? There was no doubt that in a certain sense they were a separate nation, that was to say, they held that the great promises in the Old Testament, on the fulfilment of which they rested their hopes, were limited to the seed of Abraham, and with that opinion they refused to intermarry with other people, but preserved themselves as a nation separate from all the rest of the world. But how did that bear upon the present subject? How had that worked hitherto? Had that circumstance hitherto ever led the Jews to offer any resistance to the Government under which they lived? Had it induced them to form clubs or associations among themselves of which the objects were inconsistent with the peace of the Government—had they ever refused to discharge the duties attached to the rights of citizenship in the various countries in which they lived? If none of these things could be alleged against them, then what was the value of the argument? Supposing that they did hope at some future time to be restored to their own land, how did that bear upon the question of refusing them the rights of citizens during the period, uncertain as it might be, that they remained in this country? Or, grant that they were a separate people, they were still subjects of the State wherein they lived, bearing all its burdens, and interested in its fortune and prosperity? What, then, was the practical effect of this argument? None whatever; for the noble Lord who used it had not followed it out to any useful purpose. Yet that was the whole amount of one of the objections urged against the measure. What was the other argument? They were told that the retention of the words "on the true faith of a Christian" involved a great principle. Now, he believed it was perfectly well known—it was an indisputable fact—that these words were not introduced with any other view than this—that the party who took the oath should pledge himself to its subject-matter on the Evangelists, as that which was most binding on his conscience. It had no relation to any one beyond the individual who uttered the expression—it was intended to bind him as an individual, and in no other respect. In this point of view, what became of the principle? But suppose it was maintained to be a principle in this respect, that it was intended as a declaration, not of the faith of the individual who took the oath, but as a declaration of the faith of the nation, then he would ask their Lordships to inquire whether they had not already destroyed that principle? Did they require the Quakers to utter these words, or the Moravians, or the Separatists? No, they did not. What, then, had become of the principle? They had relaxed this oath—in most cases wisely—with reference to the classes to whom he had referred—and how could it be set up as a great principle in the case of the Jew? Then, it must be remembered, that the Jews had already been admitted to the office of magistrate, and to municipal places of trust and dignity. It had been contended that there was a great difference between the making of a law, and the executing it when made. But he must say, it appeared to him that the difference was all in favour of the executive. As a great man once said, "I care not who makes your laws, so that I am allowed to construe them;" so he said, that the mere making of a law was only a waste of so much parchment. The value of the law depended upon the hand that executed it. Now, if that were so, he was at a loss to conceive how they should scruple to entrust the Jew with the power of making the laws, when they had already entrusted him with the power of executing them. His noble Friend opposite (the Earl of Shaftesbury) had said, that it would be a great shock to the moral feelings of the country if they passed this Bill; but why it should be more a shock to the moral feelings, than to allow them to be elected to the municipal offices, he could not understand. It had also been said, that there was no reason why this Bill should have been again brought before them, as it contained nothing new or distinct from the Bill which they rejected last year. But was it nothing new that the Commons should, year after year, send up the same Bill to their Lordships for reconsideration? The noble Earl said, the Bill had only been rejected four times; but he must say, that every time the Commons sent this Bill back to them, it came with renewed claims to their consideration. Their judgment, he was sure, would be received with great respect; but he need not say what would be the tendency of persisting in withholding their just rights from the subjects of this country with respect to the representation in the other House of Parliament. Did their Lordships think it would increase the respect in which they were held, if they told the Commons they had rejected the Bill last year, and that that was a reason for rejecting it again? Every one felt that the important and valuable position occupied by their Lordships, as an impediment to hasty legislation and change, insured them confidence and respect; but opposing that which he must take to be the sense of the country, as expressed by the House of Commons, would not increase the respect and love in which they were held. If they rejected the Bill, he could not promise they should not have it again. The right rev. Prelate (the Bishop of Oxford), who had risen with an intention to speak, but whom their Lordships would not now have an opportunity of hearing, had in a most able speech last year addressed them on this question; but though the right rev. Prelate possessed all the qualifications of a statesman, he had in effect only proved that no strong objections could be made against the admission of Jews into Parliament; and if, after the arguments they had now heard, their Lordships persisted in rejecting the Bill, the general opinion would be, that they were not acting in the spirit of Christianity, nor in conformity with the principles they professed, in withholding their just rights from those who had given such proofs of their fitness for the enjoyment of all civil privileges.

On Question, that "now" stand part of the Motion,

Their Lordships divided:—Content,

Present 60; Proxies 48; Total 108:—Not-Content, Present 82; Proxies 62; Total 144:—Majority 36.

Resolved in the *Negative.*

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Clarendon, Earl of
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Carew, Lord
Teynham, Lord
Dunally, Lord
Roxburgh, Duke of
Campbell, Lord
Fortescue, Earl of
Yarborough, Earl
Ducie, Earl
Kenmare, Earl of
Huntingdon, Earl of
Mostyn, Lord
Abercromby, Lord
Bateman, Lord
Vernon, Lord
Durham, Bishop of
Lindsey, Lord
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Stuart de Decies, Lord

Bill to be read 2ª on *this day six months.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, July 17, 1851.

MINUTES.] NEW MEMBER SWORN.—For Arundel, Right Hon. Edward Strutt.

PUBLIC BILLS. — 1° Representative Peers for Scotland; Commons Inclosure (No. 2).

3° Marriages (India).

HARWICH ELECTION.

MR. BANKES moved that it be an instruction to the general Committee of elections to select a Chairman and six other Members to be the Select Committee to inquire into the allegations of a petition relative to the last election for the borough of Harwich. He had stated originally his intention of moving to suspend the writ for Harwich till the Minutes of evidence taken before the Committee were laid before the House; but he understood that those Minutes only related to the time of closing the poll. He should, therefore, not move the suspension of the writ.

Motion made, and Question put—

> "That it be an Instruction to the General Committee of Elections, to select a Chairman and six other Members to be the Select Committee appointed to inquire into the allegations of a Petition relative to the last Election for the Borough of Harwich; and that the Members so selected do constitute the said Committee, with power to send for persons, papers, and records, and that Five be the quorum."

MR. COBDEN did not intend to oppose the Motion which the hon. Gentleman had made, because it was for an inquiry into the conduct of the Government; and as they had acceded to it, it would be unbecoming in him to interfere. This Committee, however, would make the fourth which had sat upon this borough during the present Parliament; and, in fact, since 1837, there had been no election for it, that had not been followed by one or more Committees. The character of Harwich was well known; for it stood pre-eminent for corruption in every possible form. Now he had taken some pains to investigate the character of the borough, and he wished before a new writ was issued to lay before the House the evidence contained in their blue books upon the subject. He did not wish to go into the matter then, but he wished to stipulate that forty-eight hours notice should be given before the writ was moved for; because it was his intention to take the sense of the House upon the question, and he had not the slightest doubt that it would be unanimous not to issue a new writ for Harwich.

Mr. T. DUNCOMBE said, the House ought to be satisfied that there was a *primâ facie* case for inquiry, before they appointed a Committee. The hon. Mover of the Instruction (Mr. Bankes) had laid no grounds for a Committee; he did not say he even believed in the allegations of the petition. The petition was one of the loosest he had ever seen; it merely stated that the Whigs did this, and the Conservatives did that. He did not object to the inquiry, but he thought it would be a waste of time unless some definite ground was laid. Harwich was a place that ought to be disfranchised without inquiry; nothing was more notorious than the corruption that had been going on there; and the House might very well legislate on public notoriety in such cases as those of Harwich and St. Albans. They had disfranchised Sudbury; it was only due to its memory that those places should follow. They were to have a new Reform Bill next year; he hoped it would contain as large a Schedule A as the former one.

Mr. J. STUART protested against the doctrine asserted by the hon. Member for Finsbury (Mr. Duncombe), that the electors of Harwich ought to be disfranchised without any inquiry, and without being put upon their trial. This would deprive the electors of their property. It appeared that the franchise of the electors of Finsbury was to be held sacred and indefeasible, but that of the electors of Harwich was detestable, and might be taken from them in any manner, however arbitrary and despotic. The electors of Harwich lived under a system of equal laws; but the hon. Gentleman advocated a mode of confiscating their rights worthy of the days of the French Directory.

Mr. B. OSBORNE protested against the electors of Finsbury being likened in any manner to the electors of such a place as Harwich. If the electors for Finsbury had been over and over again convicted by that House of inveterate bribery and corruption, the hon. and learned Member for Newark (Mr. Stuart) would have had some grounds for his remarks; but as the electors of Finsbury were a constituency who were not in the habit of being bought, the hon. and learned Gentleman had no right to make so invidious a comparison.

Mr. J. STUART said, the charges in the petition were not charges of bribery.

Sir BENJAMIN HALL said, the borough of Harwich had become a disgrace to the country. What the hon. and learned Gentleman (Mr. Stuart) called the property of the electors, was precisely what ought to be taken away from them. Newark was as complete a nomination borough as Harwich, and both ought to be put in Schedule A. The hon. and learned Gentleman had, on a previous occasion, defended Newark, on the ground that such places afforded seats for gentlemen of his profession. He thought there were too many lawyers in the House already, and wished they were out of it. Could any one get up and contend that Harwich was a place which ought to return two Members? Whenever the writ was moved for, he would assuredly move as an Amendment that the writ do not issue.

Mr. VERNON SMITH thought the question as to Harwich was rather the paucity of its constituency than its corruption, but still that was not the subject involved in the hon. Member for Dorsetshire's (Mr. Bankes') Motion, which asked for a Select Committee to consider a petition against the conduct of a Government officer. It might be all very well for the Government, from a delicate sense of honour, to hastily consent, as they had done, to the inquiry; but he thought the House ought to interpose to see that its own time and the public money should not be thrown away on such light grounds; and before the inquiry was acceded to, the hon. Gentleman ought to make himself responsible for the proof of some of the allegations of the petitioners.

Mr. HUME had never known a Committee appointed to inquire without some substantial evidence being laid before the House. Such was the case when he moved that Mr. Attwood should be prosecuted. If ever there was a case requiring summary proceedings, it was that of Harwich. Yet the House ought to know who was the responsible party in this inquiry, and at whose expense it was to take place. It was a perfect mockery to have disfranchised Sudbury, if Harwich was allowed to send Members to Parliament.

Mr. DISRAELI said, that if Government had thought fit to accede to this Motion—and of course they had not acceded to it without due consideration—it was not proper for the House to stand forward and prevent an inquiry into a subject which concerned the privileges of that House. The real point before them was—would they consent to an inquiry into the conduct of a Government officer charged with improper interference at a public election? And it was manifestly irrelevant to that question whether the electors of Finsbury or of Harwich were most deserving of disfranchisement, because no one could surely contend, because the borough of Harwich was corrupt, that a Government officer might exercise undue interference at the election. He hoped the House therefore would not allew itself to be distracted from the real question before it; and he might remind the hon. Member for Montrose (Mr. Hume), that he had formerly advocated an inquiry into the election for Stamford, although there was no information and no document before the House; and the hon. Gentleman then spoke and acted only on the ground of the petition presented to the House. The hon. Member for Marylebone had made an unfair attack on the hon. and learned Member for Newark (Mr. J. Stuart), and talked of having no lawyers in the House; but he might have remembered that there was once a Parliament without lawyers, and that earned for itself the title of the *Parliamentum Indoctum.* He (Mr. Disraeli) thought that the presence of lawyers added much to the weight of the debates. It was rather imprudent to lay down rules for distinguishing classes of Members. Suppose one hon. Member would say there were too many baronets in the House. It might be as possible to make out a case against the baronets as against the barristers; but he should be sorry to see that ancient and respectable order excluded from this House. The Motion before the House was for an inquiry into a certain account of an alleged improper conduct of the Government officers at the last election for Harwich, to which inquiry the Government had assented; he, therefore, thought the House should not throw any obstacles in the way of the inquiry.

MR. EVELYN DENISON said, one important question was—who was to act upon this Committee? The General Committee on Elections had no power in such an inquiry to compel the attendance of Members on the proposed Committee. He therefore objected very strongly to throwing the task of selecting the Members to serve in this investigation upon the shoulders of the General Election Committee, and thought it would be much more in accordance with the usage of the House to undertake the nomination of the Committee itself.

MR. BANKES said, that, in the way in which he proposed to constitute this Committee, he had only followed the precedent laid down by the noble Lord at the head of the Government in the case of the Stamford Election Committee. He entirely left the House to decide whether it would agree to or reject his Motion; it was a matter of perfect indifference to him personally what the issue might be. He had merely presented the petition, because it had been entrusted to him to do so by several respectable electors of Harwich, and because it referred to the privileges of that House; but he could not undertake in any manner to bind himself to substantiate the allegations.

The House *divided*:—Ayes 82; Noes 80: Majority 2.

Motion *agreed to.*

HAWLBOLINE.

Order for the House going into Committee of Supply read. Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. SERJEANT MURPHY rose to call the attention of the right hon. Baronet the First Lord of the Admiralty, and of the House, to the great want of accommodation for the repair of steam vessels at Hawlboline. A pledge had been given by a former Government that this accommodation should be provided, but nothing had yet been done to redeem that pledge. The result was that great inconvenience was frequently felt by steam ships in the Translantic voyage, and which, after putting into Cork Harbour in a disabled state, and being unable to have their repairs effected there for want of the proper factories and of other appliances on the spot, were compelled to be towed to Liverpool, or some other port better provided for that purpose. Among other instances of this was the case some months ago of the Translantic Company's steamer, the *Atlantic*, which, after sailing from Liverpool, on her voyage to America, met with an accident to her machinery, when she endeavoured to make for Halifax, but encountering a heavy gale she was driven back to Cork Harbour, with the view of refitting, if that could be done there; and although there were operatives and mechanics there, yet there was no accommodation for repairing, and therefore she had to be towed back again to Liverpool. Above 1,000,000*l.* of money had been expended on the works at Keyham Harbour; and after all that expenditure they would be useless for the object for which they were designed. He thought, therefore, it was not asking too much to propose an outlay of 200,000*l.* for the object of his Motion. The Transatlantic Packet Station Committee, he was aware, had reported unfavourably of any port in Ireland; but he hoped the Government would be induced to reconsider their decision, and that the time might come when it would be deemed desirable to establish a postal and a passenger depôt at Cork, as well as a station for the purposes of transatlantic communication. He was the more disposed to entertain such a hope, seeing that the report of the Committee to which he had alluded spoke of Cork Harbour as a good and safe harbour, and accessible as a refuge for ships in a gale. He trusted, therefore, yet to see Hawlboline provided by the Government with the necessary establishments for effecting repairs for the steam navy; and to see it also adapted as a refuge harbour for the merchant service.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words, 'a Select Committee be appointed to inquire into the want of accommodation for the repair of steam vessels at Hawlboline,' instead thereof."

SIR FRANCIS BARING regretted that he must oppose the Motion of his hon. and learned Friend, for it was rather satisfactory to him, after the attacks that had been made upon the Admiralty, to be put upon his trial for not having spent more money. The House should consider it as a question relating to the naval service, for the country was not bound to erect factories on the chance that they would be useful to the merchant service. The late Lord Auckland had under his consideration the question of erecting a factory at Cork; but experience had shown that we had a sufficient number of factories for the naval service, and the Admiralty had concluded that it was not necessary to have a further outlay in Ireland. It might be, certainly, for the advantage of Cork to have a factory there; but, looking to the general interests of the country, it was not thought desirable to establish other factories than those already in existence, without a strong necessity for so doing. 200,000*l.* might establish such a factory as the hon. and learned Member desired, but, when established, the cost of maintaining it would be very considerable. The public service did not require another factory at Cork, and, therefore, he was not prepared, on the part of the Government, to hold out any expectation to his hon. and learned Friend that any such would be established. He could not agree to the appointment of the Committee.

MR. ROCHE said, the objection of the Irish Members was not that the Admiralty did not spend enough money, but that Ireland had no share in the establishments to which the right hon. Gentleman alluded. The works going on at Devonport, when completed, would not cost them less than 1,200,000*l.*, and they had expended at least 2,000,000*l.* at Holyhead—yet they refused to spend a single sixpence upon any Irish port. What Ireland wanted was, to have her natural resources developed; but then, they were told, she must rely upon private enterprise. Why, England herself, with all her superior advantages, had not been left, in the matter of her naval establishments, to private enterprise; and the Government were lavishing hundreds of thousands upon Holyhead and Devonport. In refusing the Motion of his hon. and learned Friend, they would be adding another to the long catalogue of acts of injustice of which Ireland had to complain.

CAPTAIN BOLDERO, in order to show the inconvenience that arose from the absence of accommodation at Hawlboline, would call the attention of the House to the fact, that only the other day the 12th Lancers, which were ordered for the Cape of Good Hope, had to be brought from Ireland to England before they could embark; and then, instead of sending them out in steam vessels, which could have taken horses and all in a short passage of six weeks, they had, notwithstanding the critical position in which Sir Harry Smith was left, been sent out in sailing vessels, which could not accomplish the distance under some months.

ADMIRAL DUNDAS said, the Admiralty had no orders to send the troops from Ireland to the Cape, but the orders were to bring them to England in the first instance. Had the order from the War Office been to send the troops direct from Ireland to the Cape of Good Hope, that order would have been complied with. No less than five steam vessels had been used in the transmission of the troops.

DR. POWER begged to remark, that one of the inducements held out to Ireland previous to the passing of the Act of Union was that Cove, now Queenstown, would be made a naval station; but from that day to this the promise had never been fulfilled. Since that period there had been only about 14,000*l.* expended on the erection of a quay at Queenstown.

Colonel CHATTERTON would be very glad to hear what reply the hon. and gallant Admiral the Member for Greenwich (Admiral Dundas) had to make to his hon. and gallant Friend the Member for Chippenham (Captain Boldero), and also if he would inform the House and the country why the 12th Royal Lancers were sent from this country to the Cape in sailing instead of in steam vessels, and without their horses, at a time when the presence of cavalry was so much required at that colony, and the despatches of Sir Harry Smith so urgent for a reinforcement of that arm, in consequence of the ill conduct of the Cape Corps of cavalry. He would take that opportunity to complain of the beggarly parsimony of the naval department towards Ireland, in not providing in Cork harbour a suitable flag-ship for the admiral, who was now frequently obliged to hoist his flag on board a wretched unseaworthy craft.

Admiral DUNDAS said, that the Government had a twodecker and a screw-propeller at Cork at the time; but the 12th Lancers were sent out without their horses, as they would be amply provided with horses on their arrival at the Cape.

Admiral BOWLES said, it could not be denied but that the harbour of Cork was one of the greatest importance to be kept up as a naval station, both as regarded convenience and economy.

Sir HENRY BARRON hoped the House would not divide without further discussion. The principle at issue was whether they were to increase the whole of the establishments in England, to the entire disregard and neglect of Ireland. Were they to treat her as a portion of the United Kingdom, or studiously to exclude her? Cork was acknowledged to be one of the finest harbours in the United Kingdom, and acknowledged to be one of the greatest importance in the trade of the western world—a trade which was daily increasing. A naval arsenal had been established there in time of war, and it was then found to be of the greatest use; but the danger having passed away. they were now gradually abandoning it. Hundreds of thousands were lavished on Woolwich, Deptford, Sheerness, Portsmouth, and other naval establishments in England; but unfortunate, depressed, wretched Ireland, was utterly neglected. Ireland was made subvervient to English interests. Her trade and agriculture had been destroyed, and in refusing this Committee now, they were still further showing that Parliament had no regard for their condition, and would not sympathise in her sufferings.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 104; Noes 26: Majority 78.

Main Question again proposed.

THE HORFIELD ESTATE.

Mr. P. MILES said, with the permission of the House, he would now proceed to vindicate the character of his right rev. relative the Bishop of Gloucester and Bristol from the attacks of the hon. Gentleman opposite (Mr. Horsman). It was not his intention to make any comment upon the language employed by the hon. Gentleman in making those charges, which affected the character of the right rev. Prelate; but he hoped the explanation he would be able to afford would be deemed satisfactory by the House. The principal charge advanced by the hon. Gentleman was, that there was a moral responsibility incumbent on the part of the bishop not to renew the lease of the Horfield estate; and he had grounded the charge upon the fact, that the two previous bishops had not renewed the lease of that estate. Now he (Mr. Miles) must observe, that although Mr. Murray, the former secretary to the Ecclesiastical Commission, had been very severely pressed by the hon. Gentleman, he was scarcely able to say that there was any such moral obligation; and if he (Mr. Miles) could show that no obligation of any sort, direct or indirect, existed on the part of the bishop not to renew the lease, he thought he would, in a great measure, have answered that part of the charge. He found that Mr. Murray himself, when examined on this very point by the hon. Gentleman, stated that he considered that—

> "As the bishop possessed (and probably the Commissioners will take the same view of the case) a strict legal right, if he pleased, to renew that estate for lives, he might consider that he acquitted himself of the moral responsibility, and others may think so too, if in exercising that legal right he did not do it for his own benefit, but for the general benefit of the Church."

The hon. Member (Mr. Horsman) never mentioned that both Bishop Gray and

Bishop Allen, the present bishop's predecessors, had attempted to renew the lease. With regard to Bishop Gray, he (Mr. Miles) had a letter from a son of that prelate, stating distinctly that a sum of money was offered to Bishop Gray to renew the lease, but that he, not considering the sum sufficient, refused to renew. Then with reference to the case of Bishop Allen, he (Mr. Miles) had it upon the authority of the registrar of the district, Mr. Clarke, who had been in communication with Bishop Allen on the subject, and who stated distinctly that Bishop Allen wished to have renewed it, and entered into negotiations for that purpose. It had also been stated that when Bishop Allen was translated to Ely, he recommended that this lease should be allowed to fall in for the benefit of the see. Without wishing to throw any imputation on that right rev. Prelate's memory, he (Mr. Miles) could only refer to the fact, that while he was in possession of the see he did attempt to renew the lease. Mr. Clarke said—

> "The bishop has been most hardly treated in this business. The real points in the case are not many. I know from Mr. Marmont (Mr. Shadwell's agent) that if Bishop Gray had happened to live a little longer, a renewal of the lease would have been arranged. It is not true (as alleged by Mr. Horsman) that the negotiation for a renewal was entered upon on the dropping of one life, and was broken off on the death of two —the fact being that no negotiation was ever entered upon until two lives had dropped. With respect to Bishop Allen, it is notorious that, when Bishop of Bristol, he felt himself at liberty to renew the lease (this can be proved, if necessary, by my father, who was very much in Bishop Allen's confidence, and had discussions with him upon the subject), and we all well know that when our present bishop took the see of Bristol, and became possessed of the endowments, not a shadow of a condition was ever expressed or implied that his Lordship was to stand, with respect to the Horfield property, on any different footing from that on which he stood with respect to the other endowments of the see."

He (Mr. Miles) therefore thought, then, that it was perfectly clear that both Bishop Gray and Bishop Allen would have renewed the lease if a sufficient fine had been offered. The Bishop of Gloucester had stated in his published letter that he had been distinctly informed by Bishop Allen himself that he accepted the see without any conditions whatever as to the renewal of the lease of the Horfield estate. He thought, therefore, that that part of the case was fully answered by the bishop himself, and that it was unnecessary for him (Mr. Miles) to dwell upon it. In 1848 the hon. Member for Cockermouth

Mr. P. Miles

(Mr. Horsman) asked a question on this subject, and it was then first intimated that there was a moral obligation on the part of the Bishop of Gloucester not to renew the lease. When the fact that such a question had been put, came to the knowledge of the bishop, he, on the 22nd of July, 1848, wrote a letter to the noble Lord at the head of the Government in these terms:—

> "I lose no time in assuring your Lordship that no such engagement or understanding as is here insinuated ever took place; nor were there any other conditions mentioned or implied, directly or indirectly, except those which are detailed by the Order in Council of October 5, 1836, by which the see of Glocester and Bristol was constituted, and which leaves me at perfect liberty to deal with that estate as with the other property of the see. Indeed, I never heard, till a few days ago, that such an opinion as that spoken of by Mr. Horsman had been broached. Allow me to add, that in offering to dispose of my interest in this estate to the Ecclesiastical Commissioners, my sole motive has been to promote objects of public benefit and improvement."

In November, 1848, the Ecclesiastical Commissioners wrote to the Bishop of Gloucester to the following effect:—

> "They consider the circumstance of their having entered into a contract to purchase my right of renewal in the Horfield estate (which, in the event of their belief in the existence of any such engagement or understanding, they would not have been justified in entertaining), was by them considered as sufficiently proving that there was no impression on their minds that any such engagement or understanding existed."

He now came to the correspondence which the hon. Member for Cockermouth alluded to as having taken place between the Ecclesiastical Commissioners and the bishop; and he must say that when charges of this kind were brought forward, he thought hon. Gentlemen ought to be very careful in their statements. Now, the hon. Member for Cockermouth had made a mistake of no less than five years in the date of that correspondence, for he alluded to it as having taken place in 1842, while it really did not take place till 1847. The account the hon. Gentleman had given of this correspondence seemed to him so exceedingly confused, that he (Mr. Miles) could scarcely make out where the hon. Member had got his information. He found that the hon. Gentleman said—

> "Under these circumstances, the Ecclesiastical Commissioners were surprised at the commencement of 1848 by receiving a communication from the Bishop of Gloucester, stating his intention to renew the lease, and giving them the refusal of it for the sum of 11,500*l*. The Ecclesiastical Commissioners desired their secretary to write to the bishop, reminding him of the moral obligation he

was under not to renew the lease. The bishop answered that he knew nothing of moral obligations, that he had a legal right, and if the Commissioners did not choose to pay him 11,500*l.*, he would renew the lease, and alienate the property from the Church."

He (Mr. Miles) had the authority of the Bishop of Gloucester to repeat what the right rev. Prelate had already stated in his letter, that there was not one word of truth in that statement. The hon. Member for Cockermouth also said—

> "Matters remained in this state until 1842, when the old life, Dr. Shadwell, was taken ill, and then it began to be rumoured abroad that the Bishop of Gloucester meant to renew the lease. The Ecclesiastical Commissioners were alarmed, and caused their secretary to write to the bishop, alluding to the rumour which had reached them, and expressing a hope that it was not correct. The bishop wrote a reply, in which he said that he felt insulted at the suspicion entertained of him, that if he were to renew the lease he would do something unbecoming a bishop, which would leave a lasting reproach on his family. The bishop's words printed in the report of Ecclesiastical Commission were—'I am sorry the Commissioners suspect me of acting so very,' and then a blank was left for a word, and the sentence concluded 'a part.'"

With regard to the word left blank in the letter, that merely arose from the manner in which the Society to the Ecclesiastical Commissioners had chosen to print it. The real facts of the case appeared to be these:—In 1847 a negotiation was opened for the sale of the Horfield estate to the Ecclesiastical Commissioners, through Mr. Murray and the bishop's secretary. Subsequently, an offer was made by the bishop himself to the Commissioners to sell the lease for 11,500*l.*, but the negotiations on the subject were broken off, as had been already stated, in consequence of some legal technicalities. From that time to the death of Dr. Shadwell, it appeared that no measures were taken either by the Commissioners or the bishop to make any arrangement, and ultimately, on the death of Dr. Shadwell, the bishop leased the estate to his secretary. Great stress had been laid upon the statement that the lives of the bishop's three children were inserted in the lease; but the fact was that the lives were those of the three Royal Princesses. Allusion had been made to the value of the Horfield estate; and to set that matter clearly before the House, he (Mr. Miles) would show them, on the authority of Mr. Clarke, the registrar, what was its exact value. Mr. Clarke said—

> "The present income received from the Horfield property is as follows, namely—

Gross rental of demesne lands.........	£327	3	0
Gross amount of rectorial rent-charge	191	10	0
[This amount is now reduced by the corn averages.]			
Lord's rents, &c.	26	13	3
	£545	6	3

> "The above is, you will observe, the gross amount, from which are to be deducted repairs (and as to the tithes, rates), costs of collection, and other usual deductions."

Now, when the Bishop of Gloucester leased the Horfield estate to his secretary, he gave up a living he had held, *in commendam,* in Northamptonshire, of the value he (Mr. Miles) believed of between 700*l.* and 800*l.* a year, so that, so far as he was concerned, his income was diminished by the arrangement. This, it should be observed, was a copyhold estate. Hon. Gentlemen were no doubt aware of the difficult nature of copyhold tenure, and it was on account of those difficulties that the bishop was absolutely compelled himself to retain power over the lease, because he could not enfranchise the copyhold, nor could he give any title that would enable improvements which were most desirable to be effected. He (Mr. Miles) thought he could not do better than read the bishop's own statement of the reasons which had influenced him:—

> "1. It was no fault of mine that the estate hung on such a tenure; nor, if the story of the lease being intentionally left unrenewed by my two predecessors had been as true as it is untrue, could that have been a tie upon me, unless the facts had been communicated; whereas the case was the very opposite. 2. When the estate came into my hands I could no longer make it available for settling a sum upon my diocese for the benefit of small livings. The law officers having cast a slur upon my title, no one would have purchased a contingent lawsuit. I therefore leased it for three lives to my own secretary, as a means of retaining in my own hands the full and entire control and direction of all that should be done. They who condemn me for so doing are bound to state what I ought to have done. As far as I can see, there were only three possible courses open to me:—1. I might have left the property as it was, in hand, during my incumbency. 2. I might have leased it for twenty-one years. 3. I might lease it for three lives. Upon the first plan I must have left the property in a state of progressive deterioration—have appeared regardless of my professed desire of amelioration; not a hovel would have been erected upon such a title as I could have given; enfranchisement, drainage, &c., would have been out of the question. In the second case, there would have been a still greater obstacle in the way of any good being effected. The tenure would have been too short for building—there would have been legal difficulties in the way of enfranchisement—the tenure of the lord-farmer being less than that of the copyholders, and the danger of a lawsuit would have prevented any one from purchasing

such an interest. Nothing could have been done to the estate till the term had completely expired. The only remaining course was that which I have adopted. It was the only method by which I could do any good to any interests. Whether my views were selfish or not, let the world judge. In the first place, I thought that the increase of income offered a fair opportunity for resigning a rectory which I held *in commendam;* which I did after a complete repair of the rectory house, which happened to be just then in progress. I immediately took measures for commuting the manorial rights into land, and procuring such a consolidation of the property as might render it available both for building and for agricultural occupation. Both these operations are in progress at a considerable expense. As the income I have sacrificed in consideration of Horfield is about the same in amount as the rental, it follows that the estate has proved to me a loss, and never can in my life be anything but a loss, and this I have encountered for the ultimate benefit of the estate of the Church."

He (Mr. Miles) trusted that he had succeeded in exonerating the Bishop of Gloucester from any blame throughout these transactions. For his own part, he did not think any one could consider that the bishop had been actuated by sordid motives. He felt that it was unnecessary for him to pass any eulogium on the character of the right rev. Prelate, who was justly esteemed in his own diocese for his liberality and kindness. The subscriptions of the right rev. Prelate to charitable objects were as large—indeed, he (Mr. Miles) believed that, in proportion to his income, they were larger—than those of any bishop who had held the see. Although the hon. Member for Cockermouth had brought forward these charges in, he must say, rather harsh language, of that he (Mr. Miles) did not complain; but, in his opinion, and he hoped in that of every Member of the House, the right rev. Prelate—to use the language of the hon. Member for Cockermouth — might, notwithstanding all that had passed, "hold up his head in public as an honest man."

Mr. HORSMAN said, that it was impossible that the hon. Member for Bristol (Mr. P. Miles) could have made this statement more fairly than he had done, or that he could have criticised his (Mr. Horsman's) conduct in a manner less discourteous to himself. He (Mr. Horsman) wished to say, however, in reply to the hon. Gentleman's statement, that this was not to be regarded as a question between the right rev. Prelate and himself. The charge he had made was not confined to the individual Prelate of whom he had spoken, but was one in which, as part of a system, other persons were largely implicated. This question of the alienation of Church property by prelates of the Established Church was not new, nor was the instance he had cited a singular one; and if it were a true indictment against the Bishop of Gloucester that he had devastated the estates of the Church, there were others who would also be implicated by the verdict. He (Mr. Horsman) had spoken from the evidence laid upon the table of that House. He knew nothing of the circumstances independently of that evidence. He had spoken of a public question, as a public man, from that evidence which had been placed before the House. The hon. Member for Bristol had, however, made scarcely any allusion to that evidence. It was quite true, as stated by the hon. Gentleman, that when the present bishop succeeded to the see of Bristol, the estate rested on a single life. He (Mr. Horsman) might remind the House of what he had before stated, that the two prelates who were predecessors of the present bishop in the See of Bristol had refrained from renewing the lease of the Horfield estate. He had also stated that one of those prelates, Bishop Gray, had attempted to renew the lease when the lives first dropped, two having dropped in the same year, and that he, not being able to agree as to the terms, gave up the idea of renewing some time before his death, saying that, rather than take an inadequate fine, he would allow the estate to lapse to his successor. He (Mr. Horsman) had also stated, that Lord Melbourne was acquainted with the circumstances on which this estate thus fell by Bishop Allen. He (Mr. Horsman) must now ask the House to allow him to refer to the evidence upon which he had spoken. He spoke first upon the evidence of Mr. Richards, who had been for twenty years the perpetual curate of Horfield, and whose statements had not been alluded to elsewhere. Mr. Richards appeared before the Committee; he was well acquainted both with Bishop Gray and Bishop Allen, and he said he knew all the circumstances connected with the estate of Horfield during their lives. Mr. Richards said—

> "I had a great number of conversations with him (Bishop Gray), and I furnished him with a good many particulars of that property at that time; he used to talk to me a good deal about it at different times. First of all he asked 10,000*l.* for it. There was a doubt whether the copyholds had not been forfeited, and in that case they would have come into hand, and that made him ask rather more.

"Did the attempt to renew break off in consequence of the parties not giving that sum?—Yes.

"Was he in treaty for the renewal of that lease up to the time of his death?—No, he was not.

"Had he given up all idea of renewing at that time?—Yes; he stated to me that he should not take the sum that had been offered, or anything like it; that he would rather it should go to the see after his death; that the see should have the benefit rather than his family, by receiving that small sum which he would get for it.

"At the time of Bishop Gray's death, you can state from conversation with himself, that he had given up the idea of renewal?—Yes; he had given it up some time before his death."

Now, that statement might be correct or not, but it was the precise statement which he (Mr. Horsman) made the other night; and let it be observed that this was the evidence of a gentleman who had, perhaps, better opportunities than any other person of knowing what Bishop Gray's intentions were. From a letter written to Mr. Richards by Bishop Gray's son, he obtained this confirmation of that evidence:—

"You were quite right in denying, before the Committee of the House of Commons, that the non-renewal of the Horfield lease by my late father, when Bishop of Bristol, was attributable to his sudden removal by death. His last illness was protracted, having lasted upwards of a twelvemonth, and its probable termination was foreseen by his family for some time before his death. Negotiations for a renewal had been going on, I think I may safely say, not less than three years before that event (I speak, however, from memory), at an early stage of which it was estimated that the then lessee (Dr. Shadwell) was prepared to pay the same fine as upon the last renewal. At a later stage some months before my father's death, a larger sum (either 5,000*l.* or 6,000*l.*) was offered as a fine for the renewal of the lease. On both occasions the fine was refused as inadequate. Upon either, my father might have renewed the lease, had he been so minded. He was, however, as you know, not the man to do dirty work by enriching his family at the expense of his successors."

They had thus the statement of Mr. Richards, corroborated by that of Mr. Gray, and he would ask the House to observe that Mr. Richards was a clergyman of that party in the Church which was disposed to deal tenderly with the character and acts of bishops. Mr. Richards was an admirer of the right hon. Member for the University of Oxford (Mr. Gladstone), and of the Church principles of which he had been so able an exponent, and went to Oxford at the last election to give a plumper for the right hon. Gentleman. The hon. Member for Bristol (Mr. P. Miles) had not alluded to the evidence to which he might have alluded, taken before the Church Leases Committee, and which was strongly in favour of his view of the case. But the hon. Member was not the only defender and champion of the Bishop of Gloucester; the case of the bishop had been stated "elsewhere" if not more ably, certainly a great deal more artistically than the hon. Member had thought himself justified in stating it. If the evidence which he (Mr. Horsman) had quoted was at all to be upset, he thought the House would agree that the evidence which had been adduced in "another place" to upset it, was likely to be the strongest for that purpose, and to be put forward in the most skilful manner; it certainly seemed to have created the strongest impression. But let the House hear the evidence of Mr. Vincent Stuckey before the Church Leases Committee of 1838; the gentleman whose evidence had been brought forward to show that his (Mr. Horsman's) statement about Bishop Gray was unfounded. A right rev. Prelate elsewhere (the Bishop of Oxford) said, "Now, I will give you two witnesses of undoubted character and unimpeachable veracity;" and the first was Mr. Stuckey. But before passing to Mr. Stuckey, let the House hear Mr. Richards's evidence:—

"Do you know whether, by Bishop Allen, anything was done in the way of renewal?—When Bishop Gray died, I wrote to Lord Melbourne, who was Prime Minister, and told him I could make a communication to him which would be of great benefit to the see, if my name did not appear to any future bishop; and his Lordship replied, that any information I gave him should be considered private. I then stated to him that the lease had not been renewed by Bishop Gray, for the reason that his family should not receive the benefit of so small a sum as had been offered; that he would rather the see should have the benefit instead. After Bishop Allen was appointed, when I was dining with him, he referred a good deal to the Horfield property, I being the only resident gentleman there, and at last I said, 'I think Lord Melbourne has not behaved very honourably in communicating my letter to you?' and he said, 'I did not say it was your letter; it was the letter of some one; the name was taken off; my name was taken to Bishop Allen by Lord Hotham.

"What did that letter of yours suggest?—That before the bishopric was given to another party a stipulation should be made with him that the property should fall into the see, in order that the see might have the benefit of it instead of the individual; for the income of the see was small, and it was thought that by that property falling into it, it would make a greater amount.

"Was that at the time the union of the two sees was contemplated?—No, long before that.

"The contents of the letter which you wrote were shown to Bishop Allen?—Yes.

"Have you reason to suppose that your suggestion had been laid before him, with the view of its being acted upon?—I do not know whether it was or not, but I know that there was no attempt at a renewal during Bishop Allen's time.

"Was there anything in the mode of Bishop Allen's communicating to you what had passed which led you to infer that it had been pressed upon him?—He did not seem quite pleased about it; and we were not on the best terms about it.

"Did not that, coupled with the fact of there being no attempt at renewal during Bishop Allen's time, lead you to infer that your suggestion had been approved and adopted by Lord Melbourne?—Yes.

"You are quite certain that, during his time, there was no attempt at renewal?—There was no attempt, I think; and I think Dr. Shadwell would have communicated it to me if there had been."

That was the evidence upon which he (Mr. Horsman) made his statement respecting Bishop Allen. No doubt it was circumstantial evidence; there was no positive proof that Bishop Allen had been pledged by Lord Melbourne not to renew, but there was very strong circumstantial proof. But that was not the only proof; there was a letter of Bishop Allen himself upon the subject:—

"As I was prepared, if my opinion had been asked by the Ecclesiastical Commissioners, to have recommended the Horfield property, in the diocese of Bristol, to be assigned over to the Commissioners for the building of a palace, and for other purposes under the Act, before a new bishop was appointed, so in my own case I can have no objection to the St. Alban's property of the see of Ely, which is nearly similarly circumstanced as to the age of the remaining life and life tenure of the leases to the Horfield property, being transferred to the Commissioners, it being my decided opinion that neither of these leases should be renewed for lives, and that upon their expiration the fines for the full terms of twenty-one years should be at the disposal of the Ecclesiastical Commissioners for general purposes."

It was upon this evidence—the testimony of Mr. Richards, the recorded opinion of Bishop Allen, and his act in accordance with it—that he (Mr. Horsman) made his statement avowing that he did so upon evidence on the table of the House. How was this met? No portion of this evidence had been referred to by the hon. Member (Mr. P. Miles); but in another place it had been stated, "Here are witnesses of unimpeachable veracity, by whom this evidence is to be set aside." The first witness was Mr. Vincent Stuckey; and the right rev. Prelate quoted Mr. Stuckey as saying, "The two late bishops (Gray and Allen) refused to renew because the lessee refused to give the fine asked." If any Gentleman would turn to the evidence, he would find that Mr. Stuckey's answer, when he was examined, was, "I understand the two late bishops refused to renew, because the lessee refused to give

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the fine they asked." Now, the House would observe, that the two witnesses whom he had quoted, who spoke strongly upon the subject, and whose evidence it was sought to set aside by that of another person, had the same opportunities of knowing the particulars of these transactions as this other witness; that their evidence was given under circumstances quite as favourable to the truth, and that they spoke positively on the point. But what said Mr. Stuckey? Here are his several answers:—

"What I state comes not from my own knowledge, but what I learn from others." "The manor is held for one life, as I understand."

"Does he grant it out for leases on lives?—So I understand." "The present bishop will not take the offer of renewal, as I understand."

"The present bishop has refused to renew?—I understand the two late bishops refused to renew because the House refused to give the fine they asked."

Mr. Stuckey gave his answers cautiously, and took pains to show that he knew nothing himself of the matter. However, he was adduced as a witness of unimpeachable veracity, knowing the circumstances of the case. Immediately afterwards, in the same speech, the right rev. Prelate (the Bishop of Oxford) having now enlisted the sympathies of his audience against the statements unfavourable to the bishop, proceeded to enlist them against the party by whom the bishop considered himself aggrieved, and he read this part of the Bishop of Gloucester's letter to the Ecclesiastical Commissioners:—

"I learn that a report of my intention to regrant this lease for lives, as heretofore, has been several times matter of conversation at the board, and has been spoken of in terms of condemnation. Of the existence of the report I was aware, as well as of its origin; the authority being certain printed evidence given before the Ecclesiastical Leases Committee of the House of Commons some years ago, by a land surveyor of this neighbourhood, who stated that he understood such to be the intention of the bishop. [This person, to whom I never spoke, is notorious for his unfriendliness to the Church and Churchmen.] His assertion, as coming from an individual who could know nothing about me, I treated like a newspaper report, with silent contempt. To have noticed it publicly at the time would have been thought by some presumptuous, by others ridiculous."

Now, who was the party here referred to? Why, this very Mr. Stuckey, [Mr. P. MILES: No, no! Mr. Sturge.] Well then, if it was Mr. Sturge, his complaint of the right rev. Prelate's suppression applied equally to him; for Mr. Sturge was the other witness of unimpeachable veracity whom the Bishop of Oxford adduced against Mr. Richards, omitting, however, to give the Bishop of Gloucester's own character of Mr. Sturge. But Mr. Sturge himself did not pretend to be able to speak with much knowledge on the subject; and his evidence was given twelve years ago with reference to a different inquiry. But if Mr. Sturge's evidence was so strong, and he was to be so much relied on as a witness, his testimony might at least have been quoted in his own language. He said, "I know there was a negotiation between the late Bishop of Bristol and the present holder, the lessee." Now, it was impossible to come to the conclusion that by the late bishop was meant Bishop Allen, for at the time this evidence was given before the Church Leases Commission, that prelate was living, and was Bishop of Ely; and had he therefore been meant, the witness would have said "the last bishop," or "the present Bishop of Ely." He undoubtedly meant Bishop Gray, who had then only been dead three or four years; and so read, the evidence coincided exactly with the evidence of other parties with respect to what took place under the episcopacy of that prelate. But the right rev. Prelate, reading that evidence in "another place," read it thus: "I know there was a negotiation between the late Bishop of Bristol (Bishop Allen) and the present holder, the lessee;" the words "Bishop Allen" being inserted by the right rev. Prelate himself, and not being in Mr. Sturge's answer. But there was another piece of evidence brought forward—the statement of the Bishop of Gloucester himself. He said he had had conversations with Bishop Allen, and that Bishop Allen told him he was at liberty to renew. He (Mr. Horsman) could only say, as to that, that we had positive evidence of witnesses who were in communication with Bishop Allen, and we had his own letter on record; and, without at all questioning the veracity of the Bishop of Gloucester, he preferred the recorded evidence of one bishop, supported by his acts, to the recollection of another some years afterwards. Now he (Mr. Horsman) admitted that when the Bishop of Gloucester was appointed to the united sees of Gloucester and Bristol, he had a legal right to renew the lease of the Horfield estate, and that he was under no pledge of non-renewal. The matter appeared so well understood that the Ecclesiastical Commissioners did not consider it necessary to have any pledge whatever. He would come now to the correspondence which he (Mr. Horsman) was stated erroneously to have said commenced in 1842, and the existence of which was denied; and the hon. Member (Mr. P. Miles) said that his (Mr. Horsman's) statement was extremely confused, and it was impossible to make out what he meant. His statement was a very plain one, and the evidence in all material points bore it out amply. He stated that in 1842 there were rumours that the Bishop of Gloucester intended to renew the lease; that the Ecclesiastical Commissioners were alarmed; that they had desired their secretary to represent to the bishop the moral obligation he was under not to renew; and that the bishop wrote a letter, in which he stated what would be the opinion he should entertain of himself, or the world would entertain of him, if he were to renew. Now he admitted there was this inaccuracy, that he had spoken as if the first communication made was from the Secretary to the Ecclesiastical Commission to the Bishop, whereas between 1842 and 1847 there were two rumours, and the communication in 1842 was made at the instance of the Ecclesiastical Commissioners, but was not made by the secretary. That rumour died away, but when it was revived in 1846 a communication was made to the bishop by the secretary. So that he (Mr. Horsman) must admit he made an omission in regard to date, in not stating that there were two rumours, but he maintained that there was no omission affecting the morality of the affair. Mr. Murray, the Secretary to the Ecclesiastical Commissioners, stated—

> "About the close of 1842, or the beginning of 1843, a rumour reached the Commissioners that Dr. Shadwell, the remaining life in the lease, was in danger, and that it was understood that, upon his death, either a new lease for lives would be granted, or a lease for the benefit of the bishop's family. This rumour became the subject of anxious conversation at a private meeting of some of the Commissioners, and it was agreed that one of the party should write frankly and confidentially to the bishop. This I understand to have been done; the letter being that referred to in a letter from the bishop, dated 9th February, 1847, to which I shall have occasion more particularly to allude."

[Mr. Miles: That was in 1842.] At the close of 1842, or beginning of 1843. That bore out the first part of his statement. He had indeed omitted to refer to the communication which was made to the bishop at the instance of the Ecclesiastical Commissioners by one of their body, because neither his letter nor the reply of the bishop were in evidence; and, besides, this was a matter of detail which did not appear to bear materially upon the merits of the case. Mr. Murray continued:—

"Dr. Shadwell's health rallied, and nothing further of importance occurred till the close of 1846, when the Commissioners, finding themselves possessed of sufficient information respecting the revenues of the united sees, determined to pass a scheme for settling its condition upon the next vacancy. Upon this occasion the circumstances of the Horfield estate were again considered, and, inasmuch as it had not come into the calculation as producing anything to the see beyond the small reserved rent, the Commissioners felt themselves at liberty to treat it as further surplus; and they accordingly determined that, at the next vacancy, it should be transferred from the see to themselves, for the purpose of the Episcopal Act; and the Order in Council for effecting this passed in June, 1847. In the meantime, after the decision of the commissioners, but before it was formally ratified, namely, in February, 1847, it was reported that Dr. Shadwell's life was again in imminent danger; and as the rumour was again accompanied by an expression of belief that the bishop was contemplating the grant of a new beneficial lease, the commissioners authorised me to confer with the bishop, either directly or through his secretary, with a view to some arrangement for commuting the bishop's interest, and so obtaining immediate possession of the property, subject only to the subsisting lease. I lost no time in conferring with Mr. Holt, of Gloucester, on whose discretion, as the secretary and confidential adviser of the bishop, I fully relied. I communicated to him the hope of the commissioners that the bishop would abstain from granting a fresh lease for lives, and my conviction of the disappointment which would arise from an opposite course; and we separated with an understanding that Mr. Holt should immediately communicate with the bishop, and endeavour to impress upon him the importance of making some arrangement which should recognise the peculiar obligation supposed to attach upon his possession of this estate."

That was the letter to which he (Mr. Horsman) alluded as having been written by the direction of the Ecclesiastical Commissioners, upon the rumour reaching them of the illness of Dr. Shadwell, and the intention of the Bishop of Gloucester to renew the lease. Mr. Murray afterwards (questions 1,708–21) stated that there was an understanding with the board that there would be no renewal on the part of the bishop, and that he was authorised to say so to him. At question 2,299 he said that by "the peculiar obligations" to which he alluded, he meant moral obligations. He now came to a part of this evidence which had been strangely overlooked by every party who had set up anything like a vindication for the Bishop of Gloucester. The bishop himself, in his letter, positively denied that he gave any answer like that which he (Mr. Horsman) had attributed to him; and the hon. Gentleman opposite (Mr. P. Miles) said that he was extremely inaccurate in saying that there was a letter written in 1842, when, in reality, it was written in 1847. The hon. Gentleman had not, however, alluded to the bishop's letter, or to the defence for him which had been made elsewhere, and by which every one would be led to suppose that the statement that there was a letter of the bishop in reply was a fiction from beginning to end. Now, what was the description which he gave of that letter in his former speech? Why, that the bishop said he felt insulted by the suspicion that he was about to do what the rumour had attributed to him; that he said that if he did so, he should be acting in a manner unbecoming a bishop, and that he should leave a reproach to his family. He further stated that upon that letter the Ecclesiastical Commissioners desired their secretary to write to tell him that they had felt very much reassured by his letter, and that they were sorry that they had hurt his feelings. Now, with respect to that letter it had been said by a right rev. Prelate in another place—

"The idea that this reply was a genuine document had produced an impression very injurious to the character of his right rev. Friend. But what would their Lordships think of it, when he informed them that no communication of any kind whatever passed in the year 1842, and in the five subsequent years, between the Ecclesiastical Commissioners and their secretary on the one hand, and the Bishop of Gloucester and his secretary on the other? In the year 1847 a new scheme was carried out as to the charges to be imposed on the different bishoprics, and among others on the bishopric of Gloucester and Bristol. It was made to appear to the Ecclesiastical Commissioners that a larger charge should be imposed on that bishopric than that which had hitherto been paid. They drew up a scheme accordingly, and placed on the bishopric a larger charge; and they determined to transfer to themselves, on the next avoidance of the see, the Horfield Manor estate, which, by reason of its having so long rested on a single life in the lease, had not entered until then into the calculations of the Commissioners. This was intimated to his right rev. Friend; and he, thinking it was unfair, not so much to himself as to his successor in the see, entered into communication with the Commissioners on the subject. This communication in 1847 was carried on between the solicitor of the Ecclesiastical Commissioners on the one side, and the solicitor of the Bishop of Gloucester on the other. No hint was given on either side that a moral obligation was involved in the transaction."

Now, let the House observe the ingenuity of that statement. By the statement that no letter was written by the secretary to the Ecclesiastical Commissioners in 1842, people were led to infer that no letter was written at all in 1842, the letter of the individual bishop, writing frankly and confidentially, being altogether omitted. Then, by stating that the communications were between the solicitors in 1847, and that between them there was no mention of moral obligation, it was left to be inferred that no mention of moral obligation was made in 1847 by any one; and then, it being said that it was these representations which made people believe there was a genuine letter from the bishop, the audience would be led to infer that there was no genuine letter in existence from the bishop at all. [Mr. GLADSTONE: Oh, no!] Surely, if the right rev. Prelate who said that he was desired by the Bishop of Gloucester to state his case for him, knowing that he was addressing an audience which had not the evidence before them, and could not judge of it in the slightest degree except from his statement, gave such a colour as he had described to that statement, he was entitled to say that if the case had been strong, it would have spoken for itself, a plain, unvarnished tale; but that if it needed the hand of an artist to give it a colour, it was evident that its advocate felt it to be somewhat defective. Now, the letter which was written by the Bishop of Gloucester, and which had not been referred to either by the hon. Member (Mr. P. Miles), or the right rev. Prelate in another place, contained the whole case on which he had grounded his statement. He admitted, as he had already said, that when the bishop succeeded to the see, there was no pledge or stipulation of any kind given by him, and that up to 1847 there was no proof of any understanding, or of any moral obligation admitted or acknowledged on his part, or on that of the Ecclesiastical Commissioners. But now the secretary was desired by the Commissioners to write to him, telling him that they felt that there was a moral obligation on him not to renew, and that a rumour had reached them respecting his intention, which had given them much pain and anxiety. The bishop said in his letter to the rural deans, "I unbosomed myself without reserve to the Commissioners." Here was the unbosoming. The authority to Mr. Murray to communicate to the bishop was given on the 3rd of February; the letter was written on the 9th. This was in 1847. The letter was in answer to the communication in which Mr. Murray stated that there were "peculiar," by which he meant "moral" obligations.

> "I am called upon to address the Ecclesiastical Commissioners on the matter of a conversation which took place last Friday, by their desire, between Mr. Murray and Mr. Holt, my secretary, as to my intentions in case the lease of Horfield Manor should fall during my incumbency. I learn that a report of my intention to re-grant this lease for lives as heretofore, has been several times matter of conversation at the board, and has been spoken of in terms of condemnation. Of the existence of the report I was aware, as well as of its origin; the authority being certain printed evidence given before the Ecclesiastical Leases Committee of the House of Commons some years ago, by a land surveyor of this neighbourhood, who stated that he understood such to be the intention of the bishop. His assertion, as coming from an individual who could know nothing about me, I treated, like a newspaper report, with silent contempt. To have noticed it publicly at the time would have been thought by some presumptuous, by others ridiculous. However, the manner in which I spoke of this evidence in conversation, is at least a proof that I did not meditate acting the very"——[then there was a large dash in the evidence]——"part which he had assigned me."

The hon. Member had said there should be accuracy in quotation, and that the published report of Mr. Murray's evidence should be taken. He (Mr. Horsman) was quoting from the blue book; the hon. Gentleman opposite had another document in his hand, perhaps the bishop's letter to the rural deans. [Mr. P. MILES: Yes!] Well, that was a private letter, marked on the title page "Not published." Mr. Murray's evidence in the blue book was corrected by himself, laid on the table of that House, and published. Besides, let any man able to criticise the English language, any master of composition, or at all acquainted with it, say whether he could make sense of the sentence thus:—"I did not meditate playing the very part which he assigned me?" It would not have been English. And this from such a scholar as the Bishop of Gloucester! However, the context would explain the bishop's meaning. He was unbosoming himself, without reserve, to the Commissioners. He had been extremely reserved throughout these proceedings, both with regard to his estates and his charities; but when that reserve was once broken through, when the floodgates were once overflowed, the tide was not easily dammed up again. That there might be no mistake, he proceeded:—

> "I am certainly hurt that among persons of the station of the Commissioners I should be sus-

pected of knowingly doing any thing which was either wrong in itself, or disparaging to the character of a bishop. Had I been actuated by selfishness or rapacity, the occasion of this discussion would probably never have occurred. It is painful to speak of oneself, but it is known in my diocese that I have made several large sacrifices of my private interest to public advantage, which ought to have saved me from such suspicions. Next to the *mens conscia recti,* I esteem a good reputation the most precious of worldly possessions; and while I have the common feelings of mankind in regard to a provision for my family, I should abhor the idea of bequeathing to them any thing which carried along with it a particle of reproach."

Were not these the very expressions which he (Mr. Horsman) quoted as being contained in that letter of the Bishop of Gloucester? What was it that would be derogatory to his character, and fixing reproach upon his family? Why, Mr. Murray stated it specifically. He said the rumour and the suspicion he was directed to convey was, that a new lease for lives would be granted, or a lease for the benefit of the bishop's family; that it was by the suspicion of which the bishop was hurt, and which, if true, would be disparaging to the character of the bishop, and would leave behind a reproach on his family. Now, what was Mr. Murray's own comment on this evidence? He says—

> "It appears from this letter, that the bishop himself felt that there were some peculiarities in the case of Horfield which distinguished it from the other life leaseholds of the see. He treats the report of his intention to re-grant the lease for lives, as heretofore, as a calumny. The Commissioners were reassured by this letter as to his intentions. Letters were written for the purpose of explanation to the bishop, to satisfy his mind that nothing painful towards him was intended by the Commissioners."

Why did the bishop think that such a calumny, so disparaging to his character, so reproachful to his memory, unless his doing what was referred to would be doing something he believed improper? A person was not affected by the suspicion of doing that which he felt there was nothing wrong in his doing. On the contrary, throughout the whole letter there were indicated the feelings of a man who admitted he was under that obligation to the Commissioners which he knew he was under, and believed that if he were violating that obligation he would be incurring disgrace. One word with respect to that letter, and the erasure which he (Mr. Horsman) was so often accused of having invented. The evidence he had quoted respecting the term, the epithet, supposed to have been left out, was the evidence of Mr. Murray, given before a Committee of the House of Commons. Mr. Murray had charge of the records of the Commission; he had the letter in his hand—he quoted from that letter; Ecclesiastical Commissioners were present; there were four Ecclesiastical Commissioners members of the Committee. Mr. Murray was cross-examined by the right hon. Member for the University of Cambridge (Mr. Goulburn), an Ecclesiastical Commissioner. The bishop himself complained that Mr. Murray was permitted to correct his evidence after it was in type. There was no carelessness, therefore, and no concealment from the bishop. Yet, at the end of three years, when he (Mr. Horsman) quoted that evidence, the Bishops of Gloucester and of Oxford came forward and said boldly that it was on his part an embellishment and a fiction, and that nothing whatever existed to justify him in making his statement. Hon. Members could refer to the book and satisfy themselves of the accuracy of what he had stated. [Mr. P. MILES: It quite justifies your remark.] He was obliged to the hon. Member for the admission. It might have been alleged that he had been misled by the evidence; but that was not the charge which had been made against him. The Bishop of Gloucester himself knew that the evidence had been given, and had the power of being examined before that Committee, as other members of the episcopal bench were; every possible opportunity there was—every possible motive to actuate the Bishop of Gloucester in coming forward and contradicting what had been stated by the confidential officer of the Commission; and yet up to the present time they were uncontradicted by any public document whatever. And now what hon. Members learned was, that the Bishop of Gloucester did contradict the statement in a private letter—in a letter which had not been published. "Oh," said the Bishop of Gloucester, "Mr. Murray was the evil genius of the Commission." His (Mr. Horsman's) opinion rather was that the Commission was the evil genius of Mr. Murray. Mr. Murray entered the service of that Commission a man of good character. He was demoralised and debauched by the Ecclesiastical Commissioners who placed temptations in his way to which he owed his ruin. Mr. Murray, when he gave his evidence, was the Ecclesiastical Commissioners' own witness, holding his office for life; he was their confidential agent, their pet; his interests were identified with them; he was put forward, not to disclose, but to conceal; he withheld a great deal more than he disclosed; he was a most reluctant witness; the eliciting of every fact was like drawing one of his teeth. The testimony was not his oral testimony, but he spoke from letters; and it would hardly do to say that Mr. Murray was not a credible witness, and, above all, that he was the evil genius of the Commission. He (Mr. Horsman) now wished to direct the attention of the right hon. Member for the University of Oxford (Mr. Gladstone), who would probably take part with his usual ability in the discussion, to this letter of the Bishop of Gloucester. If the right hon. Gentleman could reconcile that letter with the subsequent proceedings—if he could show that after writing that letter there was no acknowledgment of moral obligation either put by the Commission or assented to by the Bishop of Gloucester—he (Mr. Horsman) might hold himself in error; but, notwithstanding all his confidence in the abilities of the right hon. Gentleman, he had still more confidence in his conscientiousness, and he thought it impossible that he could acaccomplish so difficult a task. He (Mr. Horsman) would admit an inadvertence in his former statement, if it were in any respect material; he had left it to be inferred that the letter was written in 1842 instead of 1847. But the question did not turn on the mere fact of the letter being written in one year or another. Was the letter, whether written in 1842 or 1847 irreconcilable with the subsequent proceedings? That was the question. He came now to 1848. The Bishop of Gloucester in that year made an offer of the lease of Horfield to the Ecclesiastical Commissioners, stating that there was another party who was willing to renew the lease if they did not buy his interest. The Commissioners referred his offer to a Committee, which was presided over, as the bishop said, "by Sir James Graham, who was not likely to perpetrate a job." Well, he certainly rather admired the way in which public opinion was acting on our prelates, for a few years ago, if he had wished to show the public that it was impossible that a job should be perpetrated, he would have said the Archbishop of Canterbury was in the chair, and that was the security; or the Bishop of London was in the chair, and he would not perpetrate a job. But no; the right rev. Prelate said the right hon. Member for Ripon was in the chair, and that was the security against the perpetration of a job. He did indeed himself so far agree with the right rev. Prelate, that he thought the fact of the right hon. Gentleman being in the chair on that occasion was a greater security against the perpetration of a job, than the presence of the whole bench of bishops would have been. He made them a present of all the value of that admission. Subsequently, on the 7th of July, there was another meeting of the Ecclesiastical Commissioners, and it was stated that the Bishop of Gloucester had offered his interest on the most liberal terms; and the Commission passed a resolution in which it was stated that the bishop was under no obligation, legal or equitable, to deal with the Horfield estates otherwise than any other estate of his see. He (Mr. Horsman) admitted that he was under neither a legal nor equitable obligation, according to the lawyers' term; but the Ecclesiastical Commission did not say that he was under no moral obligation. It was said the right hon. Gentleman of whom he had spoken as Chairman of the Committee assented to the transaction being carried out. He (Mr. Horsman) not only admitted that the right hon. Gentleman assented, but believed he was urgent; because, having been himself in communication with the Attorney General, and having asked that the passing of the Order in Council should be postponed, he recollected the Attorney General stated he must do his duty, because there were parties on the other side wishing, on the part of the Ecclesiastical Commissioners, to press forward. He was not appalled even when the right hon. Member for Ripon was cited as favourable to this transaction, because there were two stories told as to the motives which actuated the Commissioners. One party said they agreed to this transaction as being a very liberal one on the part of the right rev. Prelate; but Mr. Murray suggested a very different view of the matter, or rather stated a very different motive which actuated the Commissioners. Mr. Murray said, assuming the bishop's full legal right to lease for lives, and it now appearing clearly that the bishop intended to act on that right, the Commissioners, in order to save the property from a further long and indefinite alienation, consented to the terms. He (Mr. Horsman) could conceive the right hon. Gentleman, who was himself in the chair on the occasion, feeling himself quite justified in sanctioning a transaction which he thought not desirable, as the only way of avoiding another transaction which he thought more objectionable still. He could appreciate the motives that actuated the Ecclesiastical Commissioners. He said the other night he thought they acted on right motives, but most improperly. The transaction was one that was stopped by the Government, and censured both in that House and out of it. What he stated the other night was stated in the presence of the Ecclesiastical Commissioners—the statement was made in the presence of the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn), from whom he had expected some explanation in that House. He knew that after the statement was made, the right hon. Gentleman must have been asked whether it was correct or not; but the right hon. Gentleman had declined to say anything in the smallest degree implying a doubt of that statement. The right hon. Baronet the Member for Ripon (Sir J. Graham) was present on the occasion, and they might have expected to receive an explanation from him without any appeal from Members of that House. Both the right hon. Gentleman and the hon. Member for Bristol (Mr. P. Miles) were Members of the Ecclesiastical Commission; and Gentlemen in their position, and with their responsibility, could not sit still while charges were made so unfounded as they were described to be. Not only were all the statements uncontradicted for three years, but the statements made by him (Mr. Horsman) were uncontradicted for a fortnight; though it was obvious that after the statement had been made, Gentlemen on both sides of the House must have referred to the Ecclesiastical Commissioners present to know if the statements were correct. But what was the fact? The hon. Member for Bristol having given notice of a Motion declined to proceed. The matter was brought forward in another place, it being obvious, undeniable, impossible to resist the conclusion, that no answer was attempted in this House, because Gentlemen holding the highest position there, who knew all the circumstances, would not lend themselves to an attempt to vindicate the Bishop of Gloucester in proceedings which the Ecclesiastical Commissioners could not have justified. There was another point to which he wished to call attention. The Bishop of Gloucester had offered his interest to the Ecclesiastical Commissioners for 11,500*l*., and one justification urged for his doing so was, that he had lost 5,000*l*., the amount of a loan given to the College of Bristol, which, being a bad debt, might not be repaid. What was the financial condition of the see of Bristol at the time? In the very appointment of the Bishop of Gloucester, in the very arrangement made at the time the sees were united—if he (Mr. Horsman) might use the expression without offence—there was a job. The Act by which the sees were united received the Royal Assent in August, 1836. The Order in Council to unite the sees was adopted in October, 1836. An Act of Parliament had previously passed on the subject of *commendams*. The bishop was to receive the temporalities of both sees. The question was whether he should keep his *commendams*. The see of Gloucester was estimated by Bishop Gray at 2,270*l*. a year. The see of Bristol was estimated by the Bishop of Gloucester, when he succeeded to the united sees, at 925*l*., and he returned 3,125*l*. as his probable future yearly income. He stipulated, therefore, to keep his *commendams*, notwithstanding the 6th and 7th William IV., cap 77, sec. 17. The income of the united sees was fixed at 5,000*l*. a year. If the bishop's income amounted to 5,000*l*. a year, he ought not, by his own admission, to hold his *commendams*; but he made out that he had not an income of 5,000*l*. a year. He had a palace built, at a cost of 23,000*l*. He complained subsequently that he had two episcopal residences to keep up, and he asked for the house attached to his canonry as a London residence. The average income in fourteen years had been 7,282*l*. a year; and in 1838 alone, this Prelate, whose loss of 5,000*l*. justified him in selling his interest in Horfield, appeared from his own return to have received an income of no less than 11,107*l*. He had in fourteen years, from episcopal sources alone, 34,000*l*. over the sum he said he should receive. He (Mr. Horsman) said, the other night, that he thought the Commissioners were wrong in making no stipulation as to Horfield, and in allowing the bishop to retain the *commendams*; but what was most wrong was, that when they found him determined to renew the lease unless they bought his interest, they did not avail themselves of a clause in the Order in Council investing him with the temporalities of the see of Bristol, by which was reserved to the Commissioners the power of reconsidering anything that Order provided. They were justified in saying, "If you renew that lease, we shall review this Order in Council." He (Mr. Horsman) now came to the last point. That which the Ecclesiastical Commissioners anticipated with alarm had been accomplished. The bishop had renewed for three lives. On a former occasion, he (Mr. Horsman) had stated his belief that the bishop had renewed on lives in his own family. He had the report of his speech, as given in the *Times*, and he was there reported to have stated "as he was informed." There was a great mystery in the transaction, and he had tried to get the best information. But it was some comfort to know that, when inaccurate, he was not so on the side of injustice. The hon. Member (Mr. P. Miles) had told the House what were the lives. They were the lives of three infant children of the Royal Family. The bishop had taken lives from a family which was notoriously one of the longest lived in this country, thus associating the Royal Family and the Queen of England, the head of the Church, with a transaction most injurious to the Church. That, he thought, was not the least unhappy or least discreditable feature which marked the whole transaction. The Bishop of Gloucester, as far he could, had taken to himself legal possession of the estate for three lives; but he doubted whether the title would be legal after the death of the bishop, an Order in Council having been passed limiting his interest to his own life; and it might be doubted, if after that the bishop had power to grant this lease for three lives. As to the morality of the transaction, he would let it rest on the bishop's own statement, in a letter addressed by him to the rural deans. Let the House see the equivalent which the Bishop of Gloucester was said to have given in return. The case stood thus:—The Bishop of Gloucester gave up 500*l.* a year for the life of a prelate who was about sixty-eight years of age, and had taken in return immediate possession of 545*l.* a year for three lives, and also for those three lives, full possession of an estate, subject to the interest of the copyholders, producing a rack-rent of 3,000*l.* a year; but before those three lives fell in, buildings might be erected on it to the value of 30,000*l.* That was the equivalent given by the bishop: 500*l.* a year for an estate yielding at once 545*l.*, and an accruing and advantageous lease for three lives, whereby the estate was placed absolutely at his disposal, and secured to his family. What was the value of the interest of the Bishop of Gloucester in this estate for three lives? Mr. Finlayson said—

> "It is easy to propose three lives on whose existence a lease is of the same value very nearly as a lease for a term of 72½ years."—"It is quite evident that, if the owner of an estate is able to dispose of it so as to grant away from his heirs more than 94 per cent of the whole inheritance (which is the case where a lease on the three lives before-mentioned is granted), the heirs may be said to be nearly altogether denuded of their inheritance."—"The first conclusion which presents itself, therefore, to the mind of the inquirer is, that the power conferred on a tenant for life to grant leases on three lives is a power which amounts very nearly to the faculty of extinguishing the expectations of the heir."

The bishop, he believed, was enfranchising the estate, by entering into arrangements with the copyholders; but here was a most valuable estate of the Church alienated from the Church for three lives. It was said the Bishop of Gloucester had benevolent intentions with reference to this estate. Supposing he died intestate; for three lives the estate would be absolutely the property of his heirs. It might be said there was a moral obligation on them to give it up. But would they not be in the same position as the bishop? Had they not legal rights? As there was a sort of necessity alleged for the bishop acting as he had done, so there might be a necessity on their part of keeping the estate from regard to the memory of their parent. Men sometimes changed their minds; and episcopal minds were as changeable as others. Supposing the bishop changed his mind. After the case made out for him by a right rev. Brother of his, who had put his act on so high and strong ground, he might feel to have good right to keep the estate. Or suppose the lessee chose to resist, what course would the Bishop of Gloucester take? He might go to the Court of Chancery. He believed that under the Common law the bishop's interest in this estate was not recognised; but in the Court of Chancery the bishop might have redress. Or suppose the lessee chose to follow the example of Mr. Murray, and levant—what could be done? On the one side, the bishop could not assert his interest without the intervention of the lessee; and, on the other, if the lessee chose to leave the country and his ownership, the power given to him by the lease would be a very great detriment to the see. But they were told that what the bishop had done he had a perfectly legal right to do. He admitted it; but the more shame to our legislators. It was because the legislation of the Church had been left to the bishops of the Church, that such legal power was possessed. But though the Bishop of Gloucester might have a legal right to this estate, he had violated a moral obligation by his proceeding. Take the analogy of a Court of Law. Take the case of a trustee of any charity. It was notorious that such a trustee could not lease to himself any of the charity estates, nor to a co-trustee. What he could not do directly, he could not do indirectly. The lease to his secretary, therefore, would be void; and even in this case there was a suspicion attaching to it, because the Bishop of Gloucester could not grant a lease to himself, and he was obliged to do it indirectly, and avail himself of the power that was left to him enabling him so to do it. But Church lands stood in a different position from charity lands. The Legislature seemed at first to have thought the sacred character of the bishops was a sufficient guarantee that the property of the Church would not be alienated; but subsequently, when it was found that Church property was alienated, and that the Church was thereby injured, various laws were passed to restrain and limit the power of the bishops. The preamble of the statute of the 13th Elizabeth showed exactly what were the intentions of the Legislature at that time, what abuses were complained of, and what matters were intended to be remedied. The preamble ran thus:—

> "And for that long and unreasonable leases made by colleges, deans and chapters, parsons, vicars and others having spiritual promotions, be the chiefest cause of the dilapidations and the decay of all spiritual livings and hospitality, and the utter impoverishing of all successors incumbents in the same; Be it enacted," &c. &c.

By that Act ecclesiastical dignitaries were not allowed to lease estates beyond three lives or twenty-one years. Those restrictions were not sufficient, and in 1836 an Act was passed restoring more fully the fiduciary character of the bishops. The Legislature then gave to our prelates fixed incomes. A bishop coming into possession of the see of Gloucester and Bristol under that Act knew he was to have an income of 5,000*l.*, and although the management of the estates of the see was left in the bishop's hands, everything beyond the 5,000*l.* a year was manifestly a trust; and Parliament did not expect that when they left the management of the estates of the see in the hands of the bishop as a trustee, that he was himself to become the great devastator of the Church, and alienate the lands of which the management was so left to him. And observe how that was done. The Bishop of Gloucester made no return whatever of what he received from the acquisition of this estate. He made his return independently of it under the Act of Parliament. He derived no income from this estate; he invested capital upon it to make it valuable. A few years hence every sixpence he had laid out on the estate would tell immensely. In the meanwhile he retained merely 5,000*l.* a year; but when he died he left a valuable estate to his family, which he had thus alienated, and which by his management during his life he had taken care should make a good return. Was it any answer to all this to be told that the Bishop of Gloucester had legal rights? that what the Bishop of Gloucester had done, other bishops had done? and that when he complained of their doing so, was it any answer to him to say they were exercising legal rights? Had the bishops no influence, no power, no responsibility but that which was vested in them by Act of Parliament? He held that a bishop, of all other persons, had the estates vested in him by the Church under the highest moral responsibility. He was placed in that position in order that he should be a light and example to others. We expected that our bishops should set an example of piety, of self-devotion, of indifference to worldly interests; that they should be guides and examples to others in all those unworldly and higher avocations and duties of which they were intended to be both the teachers and the observers. A right rev. Prelate the other night, in a debate on a question connected with the Church, said that the Church was weakened through its divine mission being forgotten. But from whom came that forgetfulness? When the House looked at the return recently laid on the table upon the Motion of his hon. Friend the Member for Marylebone (Sir B. Hall)—when they looked at the description given there of the proceedings among the episcopal body, the scramblings that seemed to be going on, the way in which they tore at each other—complaints that one was getting more than his neighbour—that some were receiving 1,000*l.* a year more than they ought to have — and others receiving 1,000*l.* a year less than they expected to have; and when they found that the prelate who got some thousands more than the income intended for him by Parliament did not pay what the Order in Council directed him to pay to the Ecclesiastical Commissioners — when they found that those who got 5,000*l.* or 10,000*l.* a year more than was expected or intended, made no return or abatement on their part — and when they saw the manner in which three prelates alone, in the course of fourteen years, had received nearly 250,000*l.* more than those sees were intended to receive by Act of Parliament—he said it was the bishops who had forgotten the Divine mission of the Church. And yet he was accused of making attacks on individuals. He answered it was only by individual examples that great abuses could be exposed and rooted out. In all these cases it was the Church that suffered. They were told that they ought not to attack the venerable prelates, who were old and infirm. Let him ask this question. Take the 250,000*l.* which had gone into the pockets of three prelates alone; consider how many clergymen and churches that money might have provided for; consider to how many poor cottages it might have brought home the blessings of religious truth; and when he was told that the bishops whom he attacked were old and infirm, he would ask what was the number of persons old and infirm who had been deprived in their last moments of the blessings of Divine instruction, who had seen their children sinking into vice, their families dispersed, their sons sent as criminals to penal settlements, to the hulks, or to the gibbet, and they themselves sent down brokenhearted to the grave? How many of these poor families might have been saved from ruin if that which was bequeathed for the special purpose, by the benevolence of former generations, had not been by the bishops of the Established Church diverted from it—if they themselves had not been the devastators, the robbers, and the plunderers of the poor, whom it was their Divine mission to guide —if they had not themselves done injury to the Church, by tending to destroy confidence in that truth of which they were the appointed guides, and of which they ought to have been the Divine teachers.

MR. GLADSTONE: Mr. Speaker, when it was arranged, with some departure from the ordinary course of business for the night, that we should enter into the discussion of the case of Horfield Manor, I must confess I little anticipated the nature of the statements that have been made by the hon. Gentleman who has just sat down. The hon. Gentleman has entered into a vindication of himself, which I, for one, am bound to confess was much needed; and, departing from the subject of Horfield Manor, seriously to the public inconvenience, and little to the advantage of the particular question with which the hon. Gentleman has dealt, he has passed from the defence of his own statement to speculations on the future condition of Horfield Manor: now the future condition of Horfield Manor had nothing whatever to do with his statement. The hon. Gentleman then proceeded with his observations on the revenues of the sees of Bristol and Gloucester—from the revenues of the sees of Bristol and Gloucester to the revenues of all other bishops, to a general disquisition on their duties, and to a denunciation of them, in terms which I think are violent and unwarrantable—as robbers, devastators, and plunderers of the Church. In regard to the general system established by law, the hon. Gentleman spoke in words which I fully confirm. He said that the badness of our legislative arrangements were matters discreditable to ourselves. I sincerely agree with the hon. Gentleman in that doctrine. I agree with him in the badness of the system which prevails; but it is one thing to denounce a bad system, and it is another thing to judge with great severity those who are merely acting under a bad system that has been long established. And it is a great stride further, not only to deal with them with great severity, but also to misrepresent the transactions in which they are engaged. I shall touch lightly on the points in the hon. Gentleman's speech that I think external to the main question. He speaks of the income of the see of Gloucester—it is difficult to follow the hon. Gentleman—he did not give us in precise terms his returns; he may be right, and I wrong; he stated that in 1848 the income of the see of Gloucester was 11,107*l.* [MR. HORSMAN: With the *commendams.*] I beg pardon; the hon. Gentleman did not say with the *commendams.* He said there was a surplus of 34,000*l.* from the episcopal estates alone. I am in the judgment of the House, and I ask if the hon. Gentleman has not stated the revenues of the sees of Gloucester and Bristol, from episcopal sources alone, to be 11,107*l.* in 1848? I understand his meaning now; but on this and on many occasions, his omissions, most unfortunately, are inconvenient, for I understood him to rate the *commendams* at 1,700*l.* a year.

MR. HORSMAN: I read from a paper that I hold in my hand. I said the Bishop of Gloucester told the Commissioners that he put down the income—

MR. GLADSTONE: I have said nothing about what the Bishop of Gloucester told the Commissioners; but I have said that the hon. Gentleman stated the revenue of the sees of Gloucester and Bristol to be, in 1848, 11,107*l.* He now says he intended to include the *commendams*, and it will give you an idea of the hon. Gentleman's accuracy when I tell you that the *commendams* which are now added are stated to be 1,700*l.* a year. It would now appear, according to the hon. Gentleman's statement, that the income of the sees of Gloucester and Bristol is 9,407*l.* a year, for the whole income was stated to be in 1848, 11,107*l.* Now here is a paper, ordered by the House of Commons, the 16th of June, 1851, according to which the revenue of the sees of Gloucester and Bristol, in 1848, was not 9,407*l.* a year, but 6,200*l.*, subject to a deduction of about 200*l.* I will not charge the hon. Gentleman with inaccuracy; but when he says that the Bishop of Gloucester received from episcopal sources alone this surplus of 34,000*l.*, how in the world is it possible that his statement can be correct? [Mr. HORSMAN: I said 34,000*l.* over his own calculation.] That is immaterial. If over his own calculation, I can find nothing to verify the statement of the hon. Gentleman. In page 398 of the return of the 16th of June, the following are the net returns from the joint sees:—In 1844, 3,500*l.*; 1845, 3,400*l.*; 1846, 7,600*l.*; 1847, 2,900*l.*; 1848, 6,000*l.*; 1849, 4,500*l.*; 1850, 3,900*l.* That was for the last seven years; and how was it possible for the hon. Gentleman to make a surplus of 34,000*l.* over the bishop's calculation, or over any other calculation, if those figures be correct? [Mr. HORSMAN: I said over his calculation since 1836.] Yes, over his calculation since 1836. I have given a return for the last seven years; let us take the year 1848, in which he stated the income to be 11,107*l.*, and let him say how he can vindicate that statement on the basis of facts as they are stated in this official report. I readily concur in what the hon. Gentleman says with ragard to the duties of bishops, the motives by which they should discharge their offices, and the views they should take of their own position as trustees of the Church and of the powers confided to them. I entirely agree in all he says in the abstract on the subject; but I am bound to say that our laws and political arrangements proceed on a different order of ideas. [Mr. HORSMAN: Hear, hear!] The hon. Gentleman owns it—they proceed on a different position; they contemplate a close connection between the bishops and the world, and the views, perhaps, of the Minister; and if we have that legislative system in existence, it is not fair to come down upon those who are, to a great extent, the creatures of it, and find fault with them because they don't come up to your abstract, and, I will say, your sound, notions of the episcopal duties? I now come to the manor of Horfield, with which our business is. If the hon. Gentleman wished to have a discussion on any other questions, we ought to have had a distinct notice with respect to those other questions. The question in respect to the manor of Horfield divides itself into two parts. First, has the Bishop of Gloucester taken a course that calls for the censure of this House? and, secondly, whether the hon. Gentleman, as a Member of this House, has exercised due diligence and care in the statement he has submitted to the House, and by which, as he must recollect, he wrought up the House on the occasion he made it to a high state of feeling and of excitement. The hon. Gentleman has entered into the future; he says the property alienated from the Church is worth so much now, and will be worth so much hereafter. He is perfectly right, and has stated a great deal in that part of the case which is matter fit for the serious consideration of the Bishop of Gloucester. I hope, and I feel convinced, that the Bishop of Gloucester, for the sake of his own character, will show that he has not the slightest intention of doing what the hon. Gentleman has thought fit to impute to him; but the hon. Gentleman has no right to judge of acts that are not done. The Bishop of Gloucester has certain legal powers, and by pushing them to extremes he may deprive the Church of advantages that it might otherwise enjoy; and I am glad, by the picture that has been drawn, his attention has been called to the evil which may be done—it is well he should have it before him—but let not the House confound the possibility of those apprehended evils with an attack made upon the Bishop of Gloucester, for a violation of absolute pledges and a breach of engagements, and doing that which would be a fair matter for arraignment at the bar of this House. The hon. Gentleman, I think, will agree with me that in one point he must sympathise with the Bishop of Gloucester. When he states that the bishop has this power over the manor of Horfield, and may leave it to his family, he must feel this much—that, whatever may be the intention of the Bishop of Gloucester, he cannot as a gentleman declare that intention at this present moment. No Gentleman could expect that he would so declare it, for if he did, it would deprive of all grace whatever acts he may hereafter contemplate performing on the part of the Church. I think the Bishop of Gloucester is bound to say, I will act upon my own discretion—I will act upon my own responsibility. If he does say that, and if he uses his powers injuriously to the Church, or if he uses them against right principles, then you may condemn him; but it is not fair to condemn him beforehand, because the law has invested him with powers which you have not, up to the present moment, the slightest indication of his having any intention to abuse. I will state—what was, I think, unfounded in the statement of the hon. Gentleman, according to the impression it made on my mind the other night. The first charge was this, that Bishop Gray, at a certain period before his death, determined not to renew the lease of Horfield, but to let it run out, so far as he was concerned, for the benefit of the Church. Is that allegation sustained? In my opinion it has entirely broken down. The hon. Gentleman himself has quoted a letter to-night, written by a son of Bishop Gray, which plainly declares that, so late as a few months before the decease of Bishop Gray, an offer was made to him for a renewal of the lease, which he refused; and why?—because the offer was inadequate. That is the first allegation of the hon. Gentleman. The second allegation was, that Bishop Allen had been bound by Lord Melbourne not to renew the lease during his incumbency. I will not speak of that charge, because the hon. Gentleman abandons it. He does not at all pretend that there is any reason to believe that Lord Melbourne ever imposed such an obligation on Bishop Allen. [Mr. HORSMAN: I don't admit anything of the kind.] The House understood the hon. Gentleman on the former occasion to speak of a matter which, if not within his personal knowledge, was at all events beyond reasonable doubt. With regard to Bishop Allen, I shall only say, in my opinion, the hon. Gentleman has totally failed in proving that Bishop Allen had made arrangements to renew the lease of Horfield, on the ground of promoting the interests of the Church. Bishop Allen wrote a letter, in which he said he thought it quite right that the Ecclesiastical Commissioners should take the lease of Horfield into their own hands. But then the Ecclesiastical Commissioners were not to renew the lease to the prejudice of Bishop Allen; they were to become the purchasers of his interest in the lease; and the transfer of the lease to the Ecclesiastical Commissioners would have been a matter of perfect indifference to them. The statement of the hon. Gentleman was, that Bishop Allen was determined to sacrifice his own personal interest, and not to renew the lease. I say, on the contrary, that Bishop Allen had no such intention. The hon. Gentleman has referred to the letter of the Bishop of Gloucester. The hon. Gentleman, on the former occasion, said the Secretary to the Ecclesiastical Commissioners wrote to the Bishop about his moral obligation; that the bishop wrote back to him to say that he knew nothing about moral obligation, but that he wanted to stand on his legal rights. [Mr. HORSMAN here made a motion of dissent.] The hon. Gentleman appears to dissent. I will only state what is in my own recollection, leaving it to him to contradict me. The hon. Gentleman imputed distinctly to the bishop, either in writing or in words—it makes little matter which—the declaration that he knew nothing about moral obligation, and that he meant to stand on his legal rights. Does the hon. Gentleman adhere to that portion of his statement?

MR. HORSMAN: I adhere to all I said before. I will not adhere to the right hon. Gentleman's representation of what I said.

MR. GLADSTONE: Well, I have stated my representation of it, and that to the best of my recollection, and if I am incorrect in my statement, hon. Members who were, with myself, auditors of the hon. Gentleman's charges, can easily confute it. I contend, therefore, that that portion of the charge has totally and entirely failed. Again, I understood the hon. Gentleman distinctly to state, that when an arrangement had been made between the Ecclesiastical Commissioners and the Bishop, that arrangement was stopped at the last moment, in consequence of its being detected as a job. Does the hon. Gentleman adhere to that portion of his statement? He has not given us one jot or tittle of evidence in support of that portion of his statement; and the absence of evidence on this point is most material, because the hon. Gentleman well knows that a distinct allegation has been made elsewhere that the failure of that arrangement had nothing to do with any disapproval of it on its own merits, but simply resulted from a technical and legal point which arose in the course of the negotiation. But these to me were the most material allegations in the speech of the hon. Gentleman; and they have all vanished away, as I measure them by the speech which the hon. Gentleman has delivered to-night. He has laboured indeed—and very unnecessarily—his statement with regard to the letter of the Bishop of Gloucester to the rural deans of his diocese. Another point also on which he has said so much, with regard to the accuracy of the bishop's writing, as to whether an epithet followed the word "very," or did not follow it, is comparatively a very small question. The main question is, what was the act that the bishop was then describing? The hon. Gentleman says a statement has been made to produce the impression that no letter of this nature was written by the Bishop of Gloucester. I think the hon. Gentleman is entirely wrong, and that he has taken the effect of that statement from reports, on which, though generally faithful and accurate, it is not safe always to rely when minute particulars are in question. Now, the statement made was this, that no letter had been written by the Bishop of Gloucester of the nature to which the hon. Gentleman had alluded. The hon. Gentleman said the Bishop of Gloucester had written a letter, in which he treated as disparaging to himself, the idea that he was about to renew the lease. That part of the charge quite falls away, because his charge was that the bishop had renewed the lease, and thereby had done an act which he in a former letter had treated as disgraceful to himself.

Mr. Gladstone

Now what the bishop meant to treat as disparaging to himself, was the idea that he was going to renew the lease for lives, on a particular tenure, in connection with the copyholds, which he thought so injurious to the Church. I must say, so far as I am able to follow the statement of the hon. Gentleman, which I cannot avoid complaining is very obscure, that he has failed entirely in proving his case, with regard to the imputations that he, on a previous occasion, threw out on the Bishop of Gloucester. The truth is, that the Bishop of Gloucester has made use of the rights which he possesses in common with every ecclesiastical proprietor. You may say ecclesiastical proprietors ought not to possess such rights. That is a matter which you are at perfect liberty to allege; but I say an opinion on the merits of a system is one thing, and the misapprehending, the misconstruing, and therefore the misrepesenting the acts of the man who acts simply under that system, is another matter altogether. I say that it is a hard and cruel thing that the Bishop of Gloucester should be held up to obloquy in consequence of the defect of this system, when I believe he has been acting with munificent intentions towards the Church of which he is a bishop. I grant that the Bishop of Gloucester is under no legal obligation whatever with respect to this matter; and whether he is under any moral obligation or not, my belief is, that he does intend to act on the principles which he has laid down for himself with regard to this lease of Horfield Manor. He has stated that he thought it his duty to make this lease subservient to the interests and purposes of the Church. His conduct differs from that of ecclesiastical proprietors in general. In the first place, as a fine was to be taken on the renewal of the lease, he made an offer to the Ecclesiastical Commissioners, which they have described as a liberal offer, and consequently demanding their acknowledgments on the ground of its liberality. Then, as respects the destination which he intended to give to the money to be received for the renewal of the lease, the intention of the Bishop of Gloucester was to apply the greater part of whatever money he might receive for the renewal of the lease to the very purposes which the hon. Gentleman is so laudably desirous to promote—namely, the augmentation of the smaller livings in his diocese, and the increase of the stipends of the poorer clergy.

MR. HORSMAN, in explanation, said he must repeat his previous statement as to the excess of income which the Bishop of Gloucester would receive in a given time from episcopal sources over what the right rev. Prelate said he would receive.

SIR JAMES GRAHAM said, he was not quite sure that such a discussion as this would have a tendency to promote the public interest. If he remained silent on this subject, he was afraid his silence might be misconstrued; at all events, he thought silence on his part would not be respectful towards the House. He was not a member of the Ecclesiastical Commission until 1841, and therefore he had no direct cognisance of the proceedings of that Commission of an antecedent date. He wished also to remark that he had frequently, on former occasions, expressed a strong opinion that the law with regard to the Ecclesiastical Commissioners, until amended last Session, was not in a satisfactory state. He entirely disapproved of the distinction between the episcopal fund and the common fund ; and he had always thought that the arrangement made with respect to the incomes of the bishops, in allowing them for seven years to receive the whole revenues of their respective sees, on the condition that they should repay annually a stipulated sum, was a most disadvantageous arrangement to the prelates themselves, but more particularly to the interests of the Church. He rejoiced that last year, prospectively, an effectual remedy was applied by the Legislature to what he thought was a great evil as it respected the interests of the Church. He could have hoped and wished that there might have been some forbearance shown in canvassing the past arrangements, which in his judgment were inexpedient, but which were now at an end. He had no acquaintance with the Bishop of Gloucester and Bristol, except such acquaintance as arose from the intercourse at the Board of the Ecclesiastical Commission, of which they were common members ; but, as a member of the Church of England, and as a member of the community, he (Sir J. Graham) must say he had always regarded the Bishop of Gloucester as an accomplished scholar; as a gentleman of high reputation and character; and, above all, he must say he had always considered him not a niggard in pecuniary matters. He had always thought that in the University to which the Bishop belonged, in the Church, and in the diocese in which he was best known (and he must say the right rev. Prelate had arrived at an age somewhere about 70 years)—he had enjoyed a spotless reputation, and a high character as a ripe scholar and man of honour. He (Sir J. Graham) considered it most unfortunate that transactions of a description which the hon. Gentleman the Member for Cockermouth (Mr. Horsman) had thought it his duty to bring under the attention of the House, should for one moment, or in the slightest degree, have cast any shade of doubt over that spotless reputation. But he must say, with respect to those transactions, the part which he (Sir J. Graham) had personally taken, led him to entertain no suspicions whatever either of the motives or of the conduct of that right rev. Prelate. He (Sir J. Graham) had no doubt of his legal and equitable right to exercise the power over the estate of Horfield which, it was said, he had exercised. He (Sir J. Graham) assisted in negotiating with the right rev. Prelate as a member of the Commission; and after a full inquiry into this point, he was satisfied that the right rev. Prelate's rights, both legal and equitable, were indisputable. His right hon. Friend (Mr. Gladstone) who preceded him, had explained to the House all the circumstances which gave rise to the transaction. He (Sir J. Graham) was satisfied that it was the intention of the Bishop of Gloucester to apply the funds which would have arisen from the sale to the Ecclesiastical Commissioners to purposes conducive to the benefit of the Church in his diocese, and most assuredly not for any personal profit or advantage. He was really sorry they could not resume the ancient habit of free conference, because the hon. Gentleman (Mr. Horsman) had referred to the speech of a bishop in another place. If they could meet the bishops face to face, and debate those matters with them on equal terms, he thought the hon. Gentleman would not have rejoiced so greatly in the conflict which he maintained behind their backs, for he firmly believed he would have found that the right rev. Prelates were quite a match for him. But he would put it to the hon. Gentleman, was it really worthy of him to hold up the Bishop of Gloucester, a gentleman possessing the character which he (Sir J. Graham) had ascribed to him, as "a robber" and a "plunderer"? He believed the hon. Gentleman was not unfriendly to the Church ; but would one of its bitterest enemies condescend to use the language which the hon. Gentleman had employed with reference to the character of the Bishop of Gloucester? He almost blushed for the hon. Gentleman as he listened to the language which fell from him in reference to that right rev. Prelate. Again, he (Sir J. Graham) said he was himself satisfied that the Bishop of Gloucester had a legal and equitable right to deal with this estate. Possessing that right, he had also reason to know that the right rev. Prelate was determined to exercise it. With all due deference to the hon. Gentleman (Mr. Horsman), he (Sir J. Graham) altogether disbelieved that either Bishop Gray or Bishop Allen had hesitated in the least as to their right to exercise a similar power. He did not believe that Lord Melbourne ever imposed any conditions whatever with respect to the exercise of that power by Bishop Allen. He did not think that Lord Melbourne had any right to make such a stipulation; nor did he think it would have been consistent with the high character for generosity of that noble Lord to have imposed such conditions. He thought the evidence was conclusive that Bishop Allen had negotiated for a renewal of the lease, and that, like Bishop Gray, he only failed to execute the lease because he did not obtain what he considered was the full value of its renewal. The Bishop of Gloucester had placed himself in a position which enabled him to exercise a testamentary power, complete in all its parts, over this property. The Bishop of Gloucester had a legal right to dispose of it as he thought fit. But if the hon. Gentleman (Mr. Horsman) would abstain from pursuing that right rev. Prelate with such relentless animosity, and would cease to ascribe to him all the worst motives and the worst intentions, his (Sir J. Graham's) firm belief was, that the Bishop of Gloucester, who would not yield in the least to any compulsion, would falsify by his spontaneous acts all their unworthy suspicions. Still, not being on intimate terms with the Bishop, and only judging of him from his past character, he (Sir J. Graham) was of opinion that the right which the Bishop had now legally and equitably acquired, to the full possession of this property for three lives, would not be exercised by the Bishop in a manner unworthy of his high position in the Church, or of the sacred interests of which he was the trustee. He (Sir J. Graham) might not live to see it, but he should be much disappointed if the right rev. Prelate did not prove it. On the whole, during the remainder of his life, the Bishop of Gloucester must be content to live subject to such charges as the hon. Gentleman the Member for Cockermouth might prefer against him. He had lived down past accusations of a similar kind—his reputation would survive him—and his acts, if he (Sir J. Graham) mistook not, would falsify the description given of him by the hon. Gentleman.

SIR BENJAMIN HALL was quite confident that some good result would arise from these discussions, however unpleasant they might be for any Gentleman to bring forward. However distasteful it might be, it was necessary in bringing forward any measure of reform in the temporalities of the Church, to quote individual cases, in order to show the abuses which were practised by certain parties on the episcopal bench. But he rose more especially to express a hope that the Government, who were the proper parties to take up the matter, would go into the whole question of the temporalities, and that they would appoint a Commission to inquire into the whole of the temporalities, that they might have at least some correct information upon the amount of the Church property. Don't let them, however, leave it to the present Ecclesiastical Commissioners; for there were too many interested parties upon it. Let them have a Commission like that appointed to inquire into the subdivision of parishes, who would give an impartial statement as to the property of the Church. He wished now to ask a question of the right hon. Member for the University of Cambridge (Mr. Goulburn). A return had recently been obtained, which had attracted great attention in Parliament and the country. That paper purported to give the gross incomes of all the archbishops and bishops of our Church; and in a second series of columns there appeared the sums paid, in order to reduce those gross incomes to the sums specified in the Act of Parliament. Now, he wished the public really to know whether this fully reported the incomes of the bishops, or whether it was what Mr. Murray had called a "fallacious" return. The bishops were requested to make at septennial periods a return to the Ecclesiastical Commissioners of the value of their sees, and of all the profits they had derived from them during the previous seven years. Now he would take this case. He had shown to the House that the Bishop of Durham had received 29,000*l.* more than the income assigned to his see, and he (Sir B. Hall) wished to ask whether, if he had granted (he did not say he had, but supposing he had granted) a lease to trustees for his own benefit, or for the benefit of his family or friends, and no money had passed, the full value of the lease so granted would have entered into his accounts?

MR. GOULBURN thought it would only have been fair for the hon. Gentleman (Sir B. Hall) to have given him notice of his intention to ask that question. It so happened, however, that, with regard to the Bishop of Durham, he (Mr. Goulburn) was not able to give the hon. Gentleman an answer; but he knew that the principle on which the Ecclesiastical Commissioners settled the future incomes of sees was regulated not only by the amount received, but by other circumstances which would tend to give a fair result for the future. By the returns which the Bishop of London made of his income for the last seven years, it appeared that he especially granted a lease, not for lives but for years, of some property; and the fine which would have been taken if that lease had been granted to an individual in the ordinary way, was brought to account in the septennial period.

SIR BENJAMIN HALL said, the right hon. Gentleman had misunderstood his question, and he would now put it more clearly to him. At page 234, in the second return, it was stated that the Bishop of London, in 1843, returned his income at 13,519*l.*, and in that year he granted himself a lease which was worth 12,000*l.*, but which he had only entered as 2,169*l.* Therefore he (Sir B. Hall) presumed that this was what Mr. Murray called a "fallacious return" as regarded the Bishop of London.

MR. GOULBURN said, the Bishop of London, in the case referred to, had made a large sacrifice. He had the power of granting a lease for lives, but he granted a lease only for years, which was the most profitable way of dealing with the property for the interests of the Church. If he had granted a lease in the ordinary manner, the whole fine which he received would have appeared in the return for the year in which the lease was granted; but not taking the fine, the full fine which would have been received by the Bishop was divided over the several years over which the lease had to run.

SIR ROBERT INGLIS said, from the first year in which the present Bishop of Gloucester and Bristol was appointed to the see he now held, he appropriated ten per cent of the income of that see to the augmentation of the livings of the poorer clergy in his diocese. That was some intimation of the conduct which the right rev. Prelate was likely to pursue in the disposal of his present income. When Her Majesty's Government were invited to issue a Commission to inquire into the general state of the episcopacy, he hoped the House would not adopt the suggestion that had been made, that the bishops were the creatures of the State, and were dependent on the Minister of the day. On the contrary, they were the most ancient estate in the realm, and their independence was as high and as sacred as any other proprietor in the land.

MR. AGLIONBY said, he could not avoid noticing the statement of the right hon. Baronet (Sir J. Graham), that the Bishop of Gloucester had "a legal and equitable right to deal with the property." He was afraid that the right hon. Baronet only used those expressions in a legal sense. Would he go further, and say that he considered the bishop had a moral right? He had also another question to ask, which, of course, if it were an improper one, he did not desire should be answered. He wished to know whether the approval which, as a member of the Ecclesiastical Commission, the right hon. Baronet had expressed of the bishop's offer, was not a rather qualified one? and whether he had not accepted it as the better of two bad alternatives? His hon. Colleague had been charged with personal motives. [Sir J. GRAHAM: No, no!] At all events, "relentless animosity" had been imputed to him by the right hon. Baronet; but he could assure the House that his hon. Friend's attack was solely against the system. The best mode of meeting, or rather preventing, these charges, was, for the bishops to be satisfied with the incomes allotted to their sees by the Act of Parliament.

MR. WAWN was sorry to find the right hon. Baronet (Sir J. Graham) defending conduct which they would severely condemn in persons of a humbler station. The borough he had the honour to represent (South Shields) was entirely Church property, and the tyrannical manner in which the dignitaries behaved, was such as to disgust all well-thinking men. Years ago, when the right hon. Gentlemen opposite occupied the Treasury benches, he had boldly stood forward and declared that if there were Church robbers, they were inside of it, and not outside.

Mr. MANGLES begged to ask the right hon. Baronet if he intended to answer the question of the hon. Member near him (Mr. Aglionby)?

Sir JAMES GRAHAM said, the question put to him by the hon. Member for Cockermouth (Mr. Aglionby), was, whether he would declare that the Bishop of Gloucester was under a moral obligation to renew this lease? He would read to the hon. Gentleman the Resolution, to which he (Sir J. Graham) was a party, from the Minutes of the Ecclesiastical Commissioners:—

> "The Bishop of Gloucester having been under no obligation—legal or equitable—to deal with the Horfield estate otherwise than with any other estate of his see, and having made, with regard to that estate, a liberal offer to the board, the board are anxious to bring the negotiation to a termination, and desire that the secretary be directed to bring it to a close as soon as possible."

He (Sir J. Graham) was of opinion, and still continued of opinion, that the bishop, having a legal and equitable right to fill up the lives in the lease, did offer to the Ecclesiastical Commissioners very liberal terms, far below the market price of his legal and equitable right, and that he made that offer to the Commissioners with a desire to serve the interests of the Church generally.

Mr. REYNOLDS hoped that if there was to be a reform in episcopal revenues, Ireland would not be forgotten. He held in his hand a very important document, namely, a copy of the concordat between the Queen of Spain and his Holiness the Pope. By that he found that the salary of the Archbishop of Toledo would be 160,000 reals or 1,600*l.* a year; that of the Archbishops of Granada and Santiago, 1,400*l.* each; and so with the Archbishops of Tarragona and Valladolid. He might not pronounce these names rightly, for he begged them to understand that he was no Spaniard, but an Irishman. The Bishops of Barcelona and Madrid were to have 1,100*l.* of Cadiz, Cordova, and Malaga, 1,000*l.*: twenty-four suffragans, 900*l.*, and twenty others, 800*l.* The Patriarch of the Indies, not being an archbishop or bishop, would have 1,500*l.* a year, and those prelates that were cardinals 200*l.* a year extra. He hoped, then, that when they saw prelates with flocks whose salaries ranged from a minimum of 800*l.* to a maximum of 1,600*l.*, the awful extravagance of an Archbishop of Armagh, with an income of 17,000*l.* a year, would be put an end to.

Mr. LENNARD said, that the right hon. Baronet the Member for Ripon (Mr. J. Graham) had shown himself in the answer which he had given to a very plain question, a perfect adept in that mental fencing in which he had said the prelates were so skilful. He had said the transaction in question was justifiable in a legal and equitable view. He had been asked, did he justify it morally? If he had thought this an improper question, he might have declined to answer it; but instead of doing so, he read a long statement which was altogether unsatisfactory. He should like to hear whether the transaction was one which he could say was justifiable in a moral as well as legal point of view.

Subject dropped.

SUPPLY.

House in Committee of Supply; Mr. Bernal in the Chair.

Motion made, and Question proposed—

> "That a sum, not exceeding 148,490*l.*, be granted to Her Majesty, to defray the Charge of the Consular Establishments Abroad, to the 31st day of March, 1852."

Mr. URQUHART rose to move, as an Amendment, that the Vote be reduced by 4,000*l.* The Special Committee upon Official Salaries had not, it was true, made any report upon this branch of the subject, but they had recommended their own reappointment this Session, in order that this portion of the subject might come under their consideration. That Committee, however, had not been reappointed, but he thought that the House had sufficient materials before them themselves to insist upon a reduction in these establishments. He believed that our consular establishments were generally the most defective branch of the Administration. He had had some experience of the service, and anything more disorganised, more irregular, or less fitted for the performance of the duties of their office, it was impossible to conceive. In contrast with our consular establishments was that of France, which had been organised under the former estate in an admirable manner. The Consuls of France, unlike our own, had legal acquirements and legal knowledge. Their previous acquirements were also tested by an examination, and when they had once attained a certain grade, their advancement was regular, and strangers to the service were not put over their heads. He could not admit that in such a matter our great commercial nation ought to be behind a country like France. Our Consul at St. Petersburg, with 750*l.* a year, was appointed without previous service in that capacity. The English Consul at Paris had but 200*l.* a year, while the Consul at Warsaw had an income of 1,000*l.* allotted to him—a discrepancy which could not be reasonably accounted for, but the duties of which would, he believed, be amply remunerated by a salary of 500*l.* a year. The Consuls at Havanah and at Manilla had 1,000*l.* a year each; but 500*l.* would be quite enough for the services which they performed. He had no objection to make to the salary of 600*l.* enjoyed by our Consul at Lisbon; but he thought the sum of 1,000*l.*, paid to the Consul General of the Austrian States, was excessive. He next came to the consulate of Greece. Our Consul at Patras had 700*l.* a year, a sum which was perfectly preposterous, and a much smaller amount than 500*l.* a year would be amply sufficient for him. The salaries of 800*l.* and 900*l.* a year, paid to the Consuls General at Belgrade and Bucharest, were also much too high. He had also to complain that some of these officers were not very constant in their attendance at their posts. On these three last-named appointments a legitimate reduction might be made of 900*l.* The Consul General at Constantinople, who received 1,500*l.* a year for his services, would be well paid by 1,000*l.*; or even by 800*l.* a year. The Consulate in Syria had been very properly abolished; but why not dispense with the functions of a Consul in Egypt also? In Tripoli, the salary of 1,600*l.*, given to the Consul General, ought to be reduced to 600*l.* a year. This surely might easily be effected, since the Government had reduced the salaries of our Consuls at Boston and New York from 400*l.* and 700*l.* a year, to 200*l.* and 300*l.* respectively. At Montevideo the Consul General had a salary of 1,400*l.*, while at Buenos Ayres, for what reason he could not see, a far less salary was paid. The reductions which he thought should be made in our consular establishments amounted to 16,250*l.*, independently of the case of Borneo, which he intended to bring as a separate Motion before the Committee. He would not, however, ask the Committee to agree, on so short a notice, to a reduction of 16,250*l.*, but would confine his Motion to one-fourth of that sum.

Motion made, and Question put—

"That a sum, not exceeding 144,490*l.* be granted to Her Majesty, to defray the Charge of the Consular Establishments Abroad, to the 31st day of March, 1852."

VISCOUNT PALMERSTON said, the hon. Gentleman who had just resumed his seat considered our consular service ill organised and inferior in efficiency to the consular services of other countries. He (Lord Palmerston) was perhaps better qualified to speak on that head than the hon. Gentleman, as knowing more of the manner in which our consular officers performed their duties. And he would take upon himself to say, that, without any exception, no consular service in the world was better performed than the consular service of this country. The consular service of France might be organised in a more regular manner, or more conformably with the views of the hon. Gentleman; but he (Lord Palmerston)—and, he was sure, every one else who filled his office, could bear testimony to the fact, judging from their ability and the manner in which they discharged their duties—that, in point of efficiency, a better consular service did not exist in any country. Their duties were very various and arduous; not only had they to perform all kinds of duties with regard to commercial interests on the spot, but they had to collect valuable information from all sources and of all kinds, which was regularly submitted to the Foreign Office and to the Board of Trade. He would also venture to say, that in point of efficiency and ability, instead of meriting the censure of the hon. Gentleman, they were entitled to his praise and commendation. Among the different appointments which he referred to, he put first and foremost that held by a person who had the misfortune on a former occasion, and in another country, to have had some little difference with the hon. Member; of course that consideration could not have weighed with him for a moment in wishing to reduce the salary of the Consul at Warsaw. Now, any one who knew anything at all of the scale of expense incurred at Warsaw by the gentleman who held the rank of consul, and represented a great country like England, would be of opinion, on comparing his salary with that of similar officers there, belonging to other countries, that the sum was rather below than above the amount that a person in his position required. He said that, in

Paris, we had only a Consul at 200*l*. a year, and asked why one at Warsaw required a higher sum paid to him? The English Consul at Paris, he should explain, was a consul's clerk, who merely performed subordinate duties under the direction of the embassy; and the only reason he gave him the rank of consul was, that it would better enable him to perform certain duties of routine; but he was not an independent officer, who received instructions from the Secretary of State, but simply a consul's clerk, attached to the embassy of Paris. Now, with regard to the Consuls in Wallachia, Servia, and Moldavia, they all had duties more of a political than of a peculiarly commercial nature; and those provinces were parts of the world in which there were countries of very considerable interest, and therefore it was important to have persons who were qualified to give both political and commercial information. It did so happen that one officer was absent on account of ill health, at the period to which the hon. Member adverted; but it was not expected that every officer, stationed in a foreign country, should perpetually remain at their posts—they must occasionally have leave of absence, either in regard to private affairs, or on account of ill health. If consuls were never allowed to move from their respective stations until no events of interest happened, they would be put to the greatest inconvenience. The hon. Member said that the Consul General at Constantinople ought to have his pay reduced, because, at a former period, he (Lord Palmerston) intended to abolish the appointment. Like the hon. Member, he had an impression at one period that the office might be dispensed with; but, on further examination, he was satisfied with regard to the importance of the office, and that it was right and proper for the public interest to maintain the Consul General at Constantinople. The salary he received, looking to the importance of his duties, was not more than he was fairly entitled to. With regard to Smyrna, the hon. Member said the Consul received 600*l*. a year, and that as the Committee on Official Salaries recommended 500*l*., he thought the sum ought to be reduced to that amount, as a model for the salaries of all other consuls. He (Lord Palmerston) believed that the Consul would tell him that the 600*l*. a year was a very small salary, considering the duties he had to perform. There was great commerce at Smyrna, and, having regard to the expense of living at that place, he could not suppose the Committee would adopt the dictum of the hon. Member. With regard to the Consul General at Egypt, the hon. Member observed that the office of consul-general at Syria had been abolished, and that, therefore, the same course might be adopted at Egypt. After the campaign in 1841, previous to which it was important to have an officer in Syria, not merely commercial, but political, with the rank of consul-general, he thought the same reason no longer existed, and he took advantage of the vacancy in the office of the embassy at Constantinople to transfer to that capital the Consul in Syria. But the same ground did not apply to Egypt. It stood in a very different political position to Syria. Egypt was governed by a Pasha, who was hereditary, and did not stand in the same relation to the Porte as other Pashas. He had to pay a fixed tribute to the Porte, receiving the revenues into his own treasury—and he was, therefore, not to say independent, but to a certain extent governor-in-chief of the province of which he was Pasha. The Consul General in Egypt had political and judicial, as well as commercial duties to perform, and his position was, in many respects, arduous and responsible. Moreover, Egypt was now the great thoroughfare for English travellers passing to and from India, and the Consul General had duties of hospitality devolving upon him that materially infringed on his income. With regard to Tripoli, he intended to abolish that Consul Generalship, and was only waiting for authentic information as to the length and period of the services of the gentleman who now held the office, in order that it might be precisely determined to what sum he was entitled on the abolition of the office. With respect to the Consuls General for South America, they were diplomatic and political officers, as well as commercial officers. The hon. Gentleman wished to know why a larger salary was given to the Consul General at Monte Video than at Buenos Ayres. The reason was, that at Buenos Ayres there was a Minister Plenipotentiary, and the Consul was merely a commercial officer; whereas the Consul at Monte Video had duties of a diplomatic and political, as well as of a commercial character to perform, and acted in some sense as a Chargé d'Affaires. With respect to the Consul General at Venezuela, that gentleman had very lately rendered most signal service in dealing with the Venezuelan Government upon a matter of great interest and importance to the British merchants. By the enactments known always to the Venezuelans as the law of despair, the debts due to British creditors had been doomed by the Executive Government to confiscation. But owing chiefly to the exertions of the Consul General, the law of despair had been annulled, and it was to be hoped that they would soon receive intelligence that the claims of the British merchants, who were likely to be severe sufferers from that enactment, had been settled in a satisfactory manner. With regard to the Consuls in North America, the salaries of two of them—those at Boston and New York—had been already reduce. The reduction had been even carried to a point which at a first glance might appear too low; but this had been done in consideration of the large amount of fees which the Consuls at these ports were entitled to receive. Should there be any falling-off in the amount of the fees, such a diminution of income might, perhaps, furnish a sufficient reason for restoring the Consuls to their original salaries. The Consul Generalship at Algiers had been abolished, and a Consul and Vice-Consul had been substituted. He was about to abolish the Consul General at Tripoli; and the Consul General at Syria had been abolished without any substitution whatsoever. After a most minute and careful consideration of the entire question, he was compelled to say that he could see no reason whatsoever for the redections proposed by the hon. Member. It was impossible to lay down any general rule by which to regulate the precise salary to be paid to the different Consuls. The amount must of necessity depend on the expense of maintenance in various places, and in the number and nature of the duties to be performed. Sometimes the Consul was a resident merchant, with an establishment of his own, and could, therefore, afford to discharge the duties of the consulate at a much smaller cost than a person who had been specially deputed from this country for that purpose. The special circumstances of each particular case must, in every instance, regulate the allowance, and it was impossible to lay down an inflexible rule on the subject. He could only say, in conclusion, that the subject of consular expenses was one that had at all times commanded his serious attention, and that it should always continue to do so. He would endeavour henceforward, as he had ever done, to keep down the expenses, by abolishing all offices that were not absolutely essential, and by reducing such salaries as might appear to be greater than was necessary.

MR. ALCOCK felt bound to express his dissatisfaction at the conduct of the Consul General at Peru. He thought it the duty of a Consul to exert himself to facilitate commercial affairs. Bat in the case of Peru, in the important article of guano, the Consul had not done his duty. A monopoly was kept up by the Peruvian Government. The importation was all but checked, in consequence of the heavy duty placed on the article, which would not have been the case had the Consul exerted himself. He wished, therefore, that the British Consul General at Lima and the Government at home would use their influence to break up that monopoly, which had the effect of maintaining the present high price of Peruvian guano; and he thought that by the imposition of very high customs duties on that article, the Chancellor of the Exchequer would be able to bring the Government of Peru to its senses.

VISCOUNT PALMERSTON: I can assure my hon. Friend and the Committee that if guano is not more plentiful in this country, the fault does not rest with the Consul General at Peru, and indeed I may with all sincerity add, that still less does it rest with me. It is now two or three years since the right hon. Baronet—whose loss we all so much deplore—Sir Robert Peel, who took more interest in the prosperity of agriculture than many gave him credit for—applied to me to persuade the Peruvian Government not to continue that monopoly, which they now adhere to, but to permit guano to be imported into this country in greater abundance. We made the attempt twice, but without success. The Peruvian Government represented that the sale of guano here supplied them with the means of paying their bondholders, and that they could not increase the supply, for that if they did, the price would fall, and they would consequently be unable to fulfil their engagements. I am very far from saying that this was a just or sufficient reason, or that in porsuing this course the Peruvian Government acted in the manner best calculated to promote even their own interests. On the contrary, I believe that even with a view to their own advantage, their policy was a most mistaken one, for a larger consumption of guano would have supplied them with increased means for paying their debts. Whether the course suggested by the hon. Member would operate beneficially on the Peruvian Government, or cause a larger importation of guano, is another question. I confess to some doubts on the subject; for certainly the idea of imposing a prohibitory duty on an article with a view to obtain a large supply of it, is, to say the least of it, new and unusual. And I cannot help expressing it as my opinion, that if the proposed prohibition were to deprive the Peruvian Government of the means of paying their debts, the Peruvian Government would be likely to submit to that deprivation with much greater fortitude than the agriculturists of England would exhibit on being deprived of guano.

Mr. W. WILLIAMS said, he complained of the consular establishments of the country generally, as being salaried upon an extravagant scale. He saw no use in a consular establishment both at Alexandria and at Cairo; and he thought that one instead of the two would be sufficient for all necessary purposes. If our Consul General of Egypt indulged in hospitality, as the noble Lord had stated, he thought the taxpayers of this country ought not to be called upon to pay for it. He would support the Motion of his hon. Friend opposite.

Viscount PALMERSTON said, that however it might be thought unfair to tax the people of this country for the hospitality of the Consuls in Egypt, he was of opinion that it would be still more unfair that the Consuls themselves should be taxed for that hospitality which they were in a manner compelled to show towards English visitors in that country.

Mr. LENNARD begged to ask if there would be any objection to laying before the House for the future a statement of the amount of fees received by the different Consuls? The Consul at Rome was in the receipt of a large income from fees, of which nothing whatever was known.

Viscount PALMERSTON said, he had no objection to such a statement being made. No part of those fees were included in the Vote asked from the Committee.

The Committee *divided*:—Ayes 43; Noes 153; Majority 110.

Viscount Palmerston

Mr. URQUHART objected to the Vote for the salary of Sir James Brooke as British Consul at Borneo, and Governor of Labuan, on the ground that he had been engaged in commercial transactions since his appointment to that office.

Viscount PALMERSTON said, that, as Consul, Sir James Brooke had carried on negotiations with the Government of the kingdom of Siam, and other States. He was not aware that he had been engaged in any commercial transactions.

Mr. URQUHART was not satisfied with the general statement of the noble Lord, as he had evidence to prove that Sir James Brooke had been engaged in trade.

Mr. HAWES said, that Sir James Brooke might have been engaged in transactions bearing the character of trading transactions before he was Governor of Labuan; but he had the distinct assurance of Sir James Brooke himself that, since that time, he had been engaged in no commercial transactions whatever.

Vote *agreed to.*

(2.) 16,000*l.*, Ministers at Foreign Courts, Extraordinary Expenses.

Mr. EWART wished to know whether the suggestions he had made on a previous occasion, which had been assented to by the noble Lord the Secretary for Foreign Affairs, concerning the necessity of examining the candidates for diplomatic offices as to their qualifications for such offices, had yet been carried into effect?

Viscount PALMERSTON replied, that he quite agreed in the suggestions that had been made by his hon. Friend, and could only plead as an excuse for not having carried them into effect, the overwhelming pressure of business during the present Session of Parliament. He quite agreed that the candidates for diplomatic offices ought to be subjected to some test of the nature that was proposed, and trusted that by the next Session he should be able to satisfy his hon. Friend.

Mr. W. WILLIAMS wished to draw the attention of the Committee to the state of the diplomatic establishment in Greece. Besides the salaries of the diplomatic officers, there was a charge of 659*l.* for translation and other extra expenses. He could not conceive, either, the necessity for having a Minister with 2,075*l.* per annum—besides other officers—for such a petty State as Wurtemburg. There were also extra charges amounting to 588*l.* for the diplomatic establishment of that State. He thought the expenses of our establishment at Buenos Ayres were also too great.

Viscount PALMERSTON said, that there were many documents, statistical and commercial, which the Ministers were obliged to send over to this country, which required great labour in their preparation, and for which several persons had to be employed in translating, copying, &c. With regard to Wurtemburg, that was one of the States belonging to the German Confederation, and, as such, was of peculiar importance, especially in the state in which Germany had been placed for the last two years. The Minister at Buenos Ayres had to draw an extra sum of money on account of some extensive calculations that had to be made there with respect to bills of exchange.

Mr. URQUHART said, very little had been done to make Englishmen the direct mode of communication between the Ministers of the Porte and this country. The Turkish Ministers, as well as the noble Lord (Viscount Palmerston), communicated in the French language. He proposed that the Vote be reduced by 750*l.* for interpretation.

Viscount PALMERSTON said, it was desirable that the interpreters in Turkey should be British born, as they were in most other countries. Some years ago, he had applied to the Vice-Chancellors of Oxford and Cambridge Universities for a supply of young men for the embassies, who were good linguists, and could supply in Turkey, for instance, the place of the present dragomen. The Vice-Chancellors had endeavoured to supply that want, and he hoped that when vacancies occurred in the office of dragoman on the Turkish embassy, to be able to supply their places with Englishmen; but it would not be right or proper to displace the present occupants of that office. If the hon. Member for Stafford had meant to insinuate that the head of our embassy in Constantinople was not qualified to communicate in the French language, he was much mistaken, for Sir Stratford Canning was a complete master of the French tongue, the ordinary language of diplomacy. The Grand Vizier and the Turkish Minister of Foreign Affairs both spoke French. But there were many matters which passed between our Embassy at Constantinople and the Turkish Government, in which the head of the embassies, or the heads of the Government, did not interfere, and in which it was necessary to employ dragomen.

Mr. URQUHART said, he objected very much to the employment of dragomen (not English) in State matters requiring confidence and security. He did not consider the explanation of the noble Lord at all satisfactory.

Vote *agreed to;* as were also the following Votes:—

(3.) 108,205*l.*, Superannuation Allowances.

(4.) 3,750*l.*, Toulonese and Corsican Emigrants, &c.

(5.) 2,008*l.*, Vaccine Establishment.

(6.) 325*l.*, Refuge for the Destitute.

(7.) 4,450*l.*, Polish Refugees and Distressed Spaniards.

(8.) Miscellaneous Allowances, formerly on the Civil List, Hereditary Revenue, &c.

The CHANCELLOR of the EXCHEQUER said, the item for Dissenting Ministers had been frequently objected to in that House, and the Government had come to the determination not to propose such an item hereafter. He hoped, however, that as no notice of the withdrawal of the Vote had been given to the parties interested, the Committee would have no objection to agree to the present Vote.

Mr. W. WILLIAMS had great objections to the Vote. He would move that the Chairman report progress.

Mr. HINDLEY hoped that the hon. Gentleman would be satisfied with the explanation given by the right hon. Chancellor of the Exchequer. He was sure that the determination of the Government not to propose the item for the relief of Dissenting ministers would be satisfactory to the Dissenting interest.

Mr. KERSHAW thought the Government had taken a course which was wise, and for which he was exceedingly thankful. He hoped that the Government would be true to their promise, as to the withdrawal of the item in question.

Colonel SIBTHORP did not care for the promises of Government, and hoped that the Committee would be divided, especially as he objected to the proceeding with the business at this hour [a quarter to one o'clock] in the morning. The right hon. Chancellor of the Exchequer threatened the House, the other evening, that if they did not pass the Votes they would be detained until the middle of August. Well, he did not care if they were; he had nothing else to do than his duty in that House. The fact was, that the Government wanted a nice comfortable prorogation, and to pocket their salaries.

Mr. LUSHINGTON had, year after year, made objections to the Vote for the support of Dissenting ministers, and he had come down to the House that evening for the purpose of renewing his protest against it. However, after what he had heard the right hon. Chancellor of the Exchequer say, he thought it would be unreasonable if he should say any thing on the subject at present. He had reason to think that a great body of the Dissenters would be very well satisfied with the course proposed. He trusted, therefore, that his hon. Friend the Member for Lambeth would not persevere in his Motion.

Mr. W. WILLIAMS had received so many representations from all parts of the country against the item in question, that he had felt it his duty to object to it. However, as the Government had promised that this should be the last year that they would ask for it, he would not offer it any opposition. There were, however, other items in the Vote to which he objected, and he therefore hoped that the Committee would not proceed further with these Votes on the present occasion.

Vote *agreed to.*

(9.) 650*l.* Foundling Hospital, Dublin.

The CHANCELLOR of the EXCHEQUER said, it was determined by the Government to reduce the grants to the Dublin hospitals, with the exception of two, to which medical schools were attached. The fever ward at the House of Industry would still continue to receive the diminished allowance.

Mr. GROGAN inquired whether the Government would lay on the table of the House the recommendation of the Lord Lieutenant, with reference to the continuance of the grants to the Dublin hospitals.

The CHANCELLOR of the EXCHEQUER said, that the letter of the Lord Lieutenant, containing the recommendation, was not a public one.

Vote *agreed to.*

House resumed; Resolutions to be reported To-morrow.

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, July 18, 1851.

Minutes.] Public Bills.—1ª Chimney Sweepers Regulation Act Amendment.

2ª Inhabited House Duty; Turnpike Acts Continuance; Turnpike Trusts Arrangement; United Church of England and Ireland; Churches and Chapels (Ireland); Ecclesiastical Residences (Ireland).

3ª Militia Ballots Suspension; Assessed Taxes Composition; Public Works, Fisheries, &c.

IMPORTATIONS OF FOREIGN FLOUR.

The Earl of STRADBROKE presented petitions from millers in the south of Ireland, and also from millers in the Isle of Ely, Hereford, Nottingham, and Northamptonshire, praying for the imposition of a duty upon the importation of foreign flour. The noble Earl observed that the millers in the south and west of Ireland, were greatly reduced in circumstances, in consequence of the enormous importations of foreign flour which were taking place in Ireland. He understood that there were 321 mills of the first class in Ireland, and that the capital invested in them amounted to 3,000,000*l.* The result of the legislation of Parliament in the last few years had been to impoverish the milling trade, and to deprive a large number of persons of their employment. The petitioners in England and Ireland denied that there was any want of skill on their part in the manufacture of flour, but that it was impossible for them to compete successfully with the foreign millers under the present system. He was assured that the quantity of wheat now grown in Ireland was much less than usual, while the imports of foreign flour had increased enormously.

Earl GRANVILLE said, it would be impossible to give protection to the miller, without also recognising the claim of the farmer to protection. He was far from denying that there was at present great distress among the millers in the south of Ireland; and it must be remembered that they could not have the same advantages as the millers of London and Dublin and other large ports, where there was access to enormous importations of foreign grain. He protested against any attempt by legislation to improve the condition of the millers as a class. Unless the noble Lord could prove that the manufacturer of flour was in a different position from the manufacturer of any other finished article, he made out no case whatever. He did not think, however, that the trade of the millers generally was so bad, seeing that though there was a large importation of foreign flour, there was a back set in the increased importation of foreign grain, which must go to the miller.

LORD REDESDALE said, there were some points connected with this question of the millers, that ought to be fully considered. One point was, whether it was not desirable to encourage the importation of grain, rather than of flour. One advantage of importing grain would be, that the bran could be used for feeding cattle. At present there was a premium on the importation of flour. He thought this was a question altogether separate from the question of free trade.

EARL GRANVILLE remarked that there was now double the quantity of grain and the same quantity of flour imported that were imported in 1847 and 1848.

EARL GREY said, the importation of grain or flour was a question entirely for the parties. It was not the business of the Legislature or the Government, to influence the parties one way or the other. All they had to do was, to take care that the very small duty they laid on was in a fair proportion, so that they levied the same duty on flour as on wheat, and then the parties must choose for themselves which they imported.

The EARL of GLENGALL presented petitions from West Norfolk, Waterford, Armagh, Athlone, and other places, with the same prayer. He assured their Lordships that the greatest alarm continued to be felt in Ireland, in consequence of the still increasing importations of foreign flour. The importations within the last five months exceeded those of the similar period of 1850 by 1,300,000 cwts. Upwards of 25,000 families were dependent for a subsistence on the milling trade in Ireland, and if the land were thrown out of wheat cultivation, they would, of course, lose the sources of their employment. He understood that a less quantity of wheat was sown during the present year than for many years past, and that in one county alone, the falling-off was equal to 11,000 acres. Ireland was at one time noted as a corn-growing country; but the course of recent legislation had been so hostile to the production of native corn, that whole districts which were once devoted to the culture of wheat were now covered with grass, and the agricultural population were flying by hundreds and thousands from a country where they could no longer practise those arts of industry to which they had been from birth habituated. This was one of the principal reasons why the land in that unhappy country was every day falling out of cultivation, and why the population was dwindling away. The fact was, that by the free-trade system, a blow had been struck at the prosperity of Ireland, from which it was not likely that that country would ever recover. Nor would England escape unscathed from this fatal error, for the enormous emigration of Irish labourers into this country was daily depressing the labour market, and would not fail ultimately to operate most injuriously on the fortunes of the English labourer.

LORD BERNERS expressed his entire concurrence in the sentiments which had fallen from the noble Earl. It was his firm belief that if the free-trade system were not altered, neither the Irish miller nor the English farmer would be able to compete with the foreigner.

Petitions read, and ordered to lie on the table.

INHABITED HOUSE DUTY BILL.

Order of the Day for the Second Reading read.

The MARQUESS of LANSDOWNE said, that in the present state of the House he would not detain their Lordships longer than to state that this was a Bill to relieve the public from a tax of a much more grievous and objectionable character—the window tax—for the repeal of which the country had been calling for many years. The amount of the revenue raised by the window tax was about 1,800,000*l.*, and the anticipated revenue to be raised by the house tax was 700,000*l.* He was opposed in principle to any relief from taxation which imposed one tax in the room of another; but, looking at the character of the tax to be repealed, and that which the present Bill imposed, he thought the relief so great as to justify the measure proposed. The greatest relief that would be given by the repeal of the window tax and the substitution of a house duty, would be in the great agricultural counties, which would be relieved to the extent of three-fourths, four-fifths, and six-sevenths, of what they at present paid. The classes who would next be benefited would be the middle and poorer classes in large towns. The noble Marquess concluded by moving that the Bill be read a Second Time.

LORD MONTEAGLE said, this tax

formed one main element in the financial arrangements of the year, on which he could not help animadverting. It appeared that 1,100,000*l.* of the revenue were now to be sacrificed; but upon what principle was this year's budget arranged? Why, permanent taxation was remitted—that upon which the public credit mainly depended—and temporary revenue was retained; and of this temporary taxation, the income tax, by an Amendment forced upon the Government, was retained for one year only. On the one hand 1,100,000*l.* of permanent revenue were thus sacrificed; and on the other, more than 5,000,000*l.* of income tax was renewed for a year, so that in the event of the House of Commons not renewing it again, there must be a permanent deficit exceeding 4,000,000*l.* He observed that even the noble Marquess was sensible of the inconvenience generally attending the substitution of one tax for another, even although the tax substituted might be less obnoxious than the one removed. This might be found to apply to the substitution of a house tax, for the window tax. He warned his noble Friend that the public mind was peculiarly constituted in respect to taxation: it was singularly sensitive to the inconveniences of existing taxation—easily oblivious of the evils of taxation remitted; and he predicted that objections would soon be urged against the new house tax—the more because the tax was new. Indeed, for his own part, past experience, whilst acting under Lord Althorp, taught him that a house tax was open to serious objections; for it depended on valuation, which was always open to dispute, being a matter of opinion, not a matter of fact; whereas the number of windows was a plain matter of fact. He believed that the remission of the window tax would be complained of as chiefly relieving the higher order of houses, especially large mansions like Longleat or Woburn Abbey, whereas the house tax would fall lightly on such houses; so that the new house tax would have the appearance of bearing more hardly on the poorer than on the richer classes. The tax would press more heavily on such houses as the "White Lion," or the "King's Arms," than on magnificent mansions, the rateable value of which might not be so great; value necessarily depending not on the cost, size, or beauty, but on practical considerations, such as the returns for a business, connexion, situation, &c. He was far from considering this to be unjust, for such houses would produce more of rent, if brought into the market, than the mansions of the rich and noble. He foretold that there would be hereafter as great a struggle on this house tax as upon the former one. He also anticipated, that if there were admitted to be a necessity for retaining the income tax permanently, there was no excuse for refusing to remedy the anomalies incident to it. He deprecated the principle of sacrificing an important portion of the permanent revenue because it was unpopular, and for the purpose of facilitating the financial arrangements of the year. He could not approve of these arrangements, the practical effect of which was that the property tax, peculiarly a tax for a period of public exigency, was substituted in time of peace, and without modification, in the place of a fixed and permanent tax. Let the property tax be perpetuated, if it were thought necessary; but let it not be renewed from year to year in this way, accompanied by the repeal of permanent taxes, and at a sacrifice of the financial interests of the country. He objected also to the exemption of all houses under 20*l.* per annum; as he always had objected to the exemption from the income tax of incomes under 150*l.* a year—a proposition which appeared to him (in the abstract) perfectly Jacobinical, unjustifiable, and unreasonable; for it countenanced the idea that persons who did not possess a certain amount of income were to be relieved from contributing to the resources of the State, as being not interested in the public expenditure, and deriving no advantage from the Army, the Navy, and the judicial establishments of the country. As to the income and property tax, he must again repeat, that if they intended to perpetuate it, they should never do so by renewals, for these continual renewals had the effect of placing the tax itself in danger, and led to repeals of other taxation that produced no good to the general interests of the country. On all these grounds he objected to the Bill, and to the financial arrangement of which it formed a part.

The Earl of STRADBROKE did not approve of the Bill, nor of the exemption of houses under 20*l.* a year. The natural effect would be that there would be a great temptation to build houses of small value, and persons would escape the tax who derived large incomes from that class of houses, while those whose houses were of a little greater value, and were, perhaps, less wealthy, would pay. There was no limit to the injustice of this principle when once admitted; and he thought such a tax should be paid equally by all classes, as all were equally benefited by the protection of the law and the police, or the naval and military establishments of the country.

EARL GREY protested against the accuracy of the statement that the window tax was to be repealed because it was unpopular, and not because it was objectionable. Inquiries of late years, in which the noble Earl opposite (the Earl of Shaftesbury) had taken so active a part, led to the conclusion that the operation of the window tax on the health of the people made it absolutely necessary that it should be repealed. In substituting, then, another tax on the dwellings of the people, no fairer principle could be adopted than to make the tax fall on the value of the houses; and he believed that it would, eventually, fall on the persons most able to bear it, the ground landlords. The window tax was unpopular, because it was liable to decisive objections on the score of health. He concurred in the sentiments of his noble Friend (Lord Monteagle) regarding the inconvenience of the position in which Government had been placed by the income tax having been voted only for one year; bnt he was willing to trust to the desire of the country and the House of Commons to maintain the national credit. He had formerly expressed the opinion that incomes under 150*l.* a year ought not to be exempted, and that opinion he still maintained. There were, however, fiscal considerations to be taken into account; and, from the difficulties intervening, it had been thought scarcely worth while to collect the tax on incomes less than 150*l.* He could never, however, understand the grounds on which parties who had money in the funds had the income tax returned to them, because their incomes were said to be less than 150*l.* a year. He would in like manner admit that the remission from taxation of all houses under 20*l.* value was not a correct principle; but it must not be forgotten that there would have been a great practical inconvenience, if in substituting one tax for another they had imposed on a vast number of persons a heavy burden to which they had not before been subjected.

The EARL of SHAFTESBURY had sincere pleasure in bearing his testimony to the important service which the Government had rendered the country by repealing the window duty. The tax had interfered most seriously with the moral and physical well-being of the people. Now that the tax was repealed, great facilities would be afforded for improving the dwellings of the working classes, and from such improvement he anticipated that great good was destined to accrue. The relief was not to be estimated by the mere money relief. The window tax had interfered with the operations of the Society for Improving the Dwellings of the Poor. They had been obliged to construct a great number of separated dwellings at the sacrifice of considerable expenditure, which might to a great extent have been saved had they been able to erect them all under one roof. In the case of one building with fifty tenants under the same roof, the window tax would have added about 70*l.* or 80*l.* to the annual rental. The relief which had been afforded was great, and it would result in increased health and the improved moral condition of the vast proportion of the community.

The MARQUESS of LANSDOWNE concurred with the noble Earl who had just sat down as to the improvement in the sanitary condition of the people, which must necessarily result from the repeal of the window duty.

The DUKE of ARGYLL said, the whole of these discussions tended to a much larger view of the subject than they at first indicated, since they showed the infinite difficulty of adjusting direct taxation upon an equitable principle. The income tax had been originally agreed to to accomplish a certain purpose — namely, the repeal of other taxes; but now that that object had been attained, he did not think they should go on repealing one indirect tax after another, and maintain the obnoxious principle of direct taxation. The whole of these conversations and the objections urged against this and all other direct taxation, went to show that we must found the finances of this country, in the main, on indirect taxation. So far as his (the Duke of Argyll's) own opinion went, he was not a Protectionist; at the same time, if it were admitted that the finances of the country should be mainly raised by indirect taxation, we must go upon this broad principle—that small taxes must be raised over the largest possible surface; we must tax those articles which were most extensively used. There was no abstract objection whatever to a tax upon bread, any more than to a tax upon light, or clothes, or any other article. All taxes were in themselves an evil; and if taxation was not imposed upon the principle of protection, he did not know upon what abstract ground any one could say that indirect taxation should not be raised from food. The question was, how you could best raise a sum of money equitably from all classes. If it were desired to raise a larger sum from the rich than the poorer classes—which was only reasonable—then the articles used by the rich should be taxed—their carriages, horses, servants, &c.; but the other classes of the community should not be exempted; but there should be raised in small sums, upon those articles which were universally used, a considerable portion of the taxation of this country. It was one of the evils of a weak and feeble Government making its way through the storms of opposing and divided parties, that it was unable to act upon any one broad principle of finance, and that it had to resist the pressure against an unpopular tax, by substituting in its stead some other tax, which Government itself confessed to be founded on a false and erroneous principle.

The EARL of CARLISLE did not rise to defend the strength of the Government, or the principle of direct taxation; he wished merely to observe that if the noble Duke intended to hold out, as a means of getting rid of the income tax, a reimposition of duty upon the admission of food, he would not do much to advance the views he professed, when he said he was no Protectionist.

On Question, *Resolved* in the *Affirmative*; Bill read 2ª accordingly.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, July 18, 1851.

MINUTES.] PUBLIC BILLS.—2ª Grand Jury Cess (Ireland); Poor Relief Act Continuance.
3° Victoria Park; Copyhold and Inclosure Commissioners; Charitable Institutions Notices; Tithe Rent Charge Assessment.

DAVID SALOMONS, ESQ.—THE OATH OF ABJURATION.

David Salomons, esquire, returned as one of the Members for the Borough of Grenwich, came to the Table, to be sworn; and being tendered the New Testament by the Clerk, stated that he desired to be sworn on the Old Testament:—Whereupon the Clerk reported the matter to Mr. Speaker; and Mr. Speaker asked him why he desired to be sworn on the Old Testament; he answered because he considered it binding on his conscience; Mr. Speaker then desired the Clerk to swear him upon the Old Testament; the Clerk handed to him the Old Testament, and tendered him the Oaths; and he took the Oaths of Allegiance and Supremacy, repeating the same after the Clerk; the Clerk then proceeded to administer the Oath of Abjuration, which Mr. Salomons read as far as the words "upon the true faith of a Christian," which he omitted, concluding with the words "So help me, God:"—

[MR. SALOMONS then read the following declaration from a paper which he held in his hand, and then pushed over to the Clerk at the Table:—"I have now taken the oaths in the form and with the ceremonies that I declare to be binding on my conscience, in accordance with the statute 1 and 2 Victoria, cap. 105. I now demand to subscribe the oath of abjuration, and to declare to my property qualification."]

And the Clerk having reported to Mr. Speaker, that Mr. Salomons had omitted to repeat the words "upon the true faith of a Christian," Mr. Speaker desired Mr. Salomons to withdraw:—He thereupon retired from the Table, and sat down upon one of the lower benches; upon which Mr. Speaker informed him that, not having taken the Oath of Abjuration in the form prescribed by the Act of Parliament, and in the form in which the House had upon a former occasion expressed its opinion that it ought to be taken, he could not be allowed to remain in the House, but must withdraw:—And he withdrew accordingly.

SIR BENJAMIN HALL then rose and said: Mr. Speaker, I am requested by the hon. Member for Greenwich, who has presented himself at the table for the purpose of taking the Oath prescribed by the Act of Parliament, and by the forms of this House, and who has proposed to take that oath in the manner most binding on his conscience, to declare to you and the House that he withdraws from the seat which he has lately occupied in deference to your high authority as pronouncing the orders of this House. But I am also requested by the hon. Member to state—

SIR FREDERIC THESIGER: Sir, I rise to order. I apprehend that the worthy Alderman has not obeyed the orders of this House. He has not withdrawn, but is at present standing within the House, and it is my duty to call attention to that circumstance.

MR. SPEAKER: The hon. Member must withdraw.

[To explain Sir F. Thesiger's interposition, it is necessary to state that the hon. Member for Greenwich, apparently not aware of the invisible line of demarcation which separates the space below the bar from the body of the House, had, during Sir B. Hall's address, gradually advanced on the floor towards the chair till he passed this imaginary barrier. On receiving Mr. Speaker's order to withdraw a second time, however, he immediately retired.]

SIR BENJAMIN HALL again rose and said: At the time the hon. and learned Gentleman the Member for Abingdon interrupted me—I do not say that he did so improperly—I was about to proceed to state that I have been requested by the hon. Member for Greenwich to declare to the House that his only object in taking the course which he has adopted was to try his legal right to sit as a representative of the people in this assembly. It is not the intention—it is far from the desire of the hon. Member to take any course which may be either displeasing or inconvenient to this assembly; and I have now only to ask a question to which I should be glad to receive an answer from my right hon. Friend the Chancellor of the Exchequer, in the absence of the noble Lord at the head of the Government. That question is to this effect:—The hon. Member for Greenwich, as I stated before, is only anxious to try his right; he is anxious to put himself in a position in which that right may be fully tried by the legal tribunals of this realm; and I have to ask my right hon. Friend, whether, if the proceeding which has now been taken, is not sufficient to allow of the institution of a prosecution, and if the hon. Member will come into this House as he is prepared to do immediately, and lay himself open to the penalties of the law—if such penalties may attach to him—whether, in that case, my right hon. Friend will take the course which I think he ought to take upon the present occasion, and instruct the hon. and learned Attorney General to prosecute the hon. Member, in order that this question may be fully and fairly tried.

The CHANCELLOR OF THE EXCHEQUER: I am sorry to say, in the unavoidable absence of my noble Friend at the head of the Government, I hope I may be permitted to state the course which I think it most advisable that the House should pursue upon the present occasion. I must first, however, observe that I am sure that whatever may be the opinion of the House as to the ultimate issue of this question, they will do justice to the anxiety which the hon. Member (Mr. Alderman Salomons) naturally entertains to vindicate that which in his opinion is his legal right, as well as to the course which he has taken in deferring to the wish of the House, with a manifestation of respect for the right hon. Gentleman the Speaker, which I think ought ever to be shown by every person sitting, or claiming to sit, in this House. There are two questions raised by this proceeding —one is the right to sit in this House, and the other is the liability of the hon. Member to certain penalties if he should improperly take his seat. The object of the hon. Gentleman is to have that latter question decided in a Court of Law. Now it seems to me to be a matter of very grave and serious deliberation what course we should pursue in this matter. I certainly am not prepared, on the instant, to answer the question of my hon. Friend the Member for Marylebone; and with respect to that portion upon which it is for this House to decide, namely, the right of the hon. Member to sit among us, I think that we ought to adopt no immediate proceeding, but that we should have time to consult the Acts of Parliament on the subject, and gravely to consider the course which we should pursue. I think that no proceeding should be taken by us without full consideration. After all, we are to pronounce our opinion upon the point, not perhaps altogether as we should wish, but as we may feel ourselves bound to do under the Statute and the constitution of Parliament. I propose, with a view to our taking up this subject in that grave and deliberate manner in which alone I think it can be advantageously discussed, that no further proceeding should take place in the matter at present, but that when my noble Friend at the head of the Government shall be present on Monday, and after hon. Gentlemen shall have had time carefully to consider the subject, we should resume the proceedings precisely where they stand at this moment, so that no advantage may be gained or lost to any party or to any view which any hon. Gentleman may entertain, whilst we shall have had time to make up our minds as to the course which should be pursued in reference to this important subject.

SIR BENJAMIN HALL: I entirely concur, as far as I am concerned, in the proposal of my right hon. Friend, and I wish to give notice that I shall repeat my question on Monday next; or if it should not be convenient to the noble Lord at the head of the Government to attend here on Monday, I shall defer the the question until Tuesday.

MR. T. DUNCOMBE: I wish to know what is the question that is to be resumed on Monday. It appears to me that there is no question before the House, and that there can be no adjournment of a debate, because there is no debate. I think that there ought to be placed before us some question upon which we could adjourn the discussion until Monday.

The CHANCELLOR OF THE EXCHEQUER: My hon. Friend the Member for Marylebone put a question to me which I said I did not at present feel myself competent to answer, and he proposes to repeat that question on a future day. What I proposed was, that no proceeding should now take place, in order that we should stand on Monday precisely as we do at present, but with the advantage of knowing what is to take place, and of having had an interval to consider what it may, under the circumstances, be most advisable for the House or for any hon. Member to do.

SIR FREDERIC THESIGER: If I could understand that there was a question before the House with respect to which we were called upon to decide, I should be disposed to concur in the suggestion that has been made by the right hon. Gentleman the Chancellor of the Exchequer, that the discussion should be postponed until Monday, in order to afford us further time for considering that question; but I feel an equal difficulty with the hon. Member for Finsbury (Mr. T. Duncombe) in understanding from the statement of the right hon. Gentleman what the matter is which we shall on Monday be called upon to discuss. The right hon. Gentleman told us that there were two questions to be decided—the first being the question as to the right of the hon. Member for Greenwich to a seat in this House—and the second as to the means of affording an opportunity for instituting a prosecution for the purpose of bringing forward the question of the right of the hon. Member to sit and vote in this House. Now, I have great difficulty in understanding what is the first question which the right hon. Gentleman will propose to us on Monday as the subject of discussion. There can be no doubt whatever, according to the former decision of this House, that the hon. Member for Greenwich having refused to take the whole of the Oath of Abjuration, is utterly incapable of taking his seat in this House; and therefore I apprehend that no question of that description can possibly be raised. [Mr. Serjeant MURPHY: There is great doubt about the matter.] My hon. and learned Friend the Member for Cork says there is great doubt about the matter. But my hon. and learned Friend was not in Parliament last year, and he therefore is not, perhaps, aware that there is on the Journals of this House a resolution upon this very question. Now, I apprehend that if our resolutions are worth anything, there is no question of that description which it can be open to us to discuss; for I can hardly believe that the House is prepared in one Session to rescind a resolution to which it came in the preceding Session, after long and anxious discussion; and I conclude, therefore, that there must be some other point which the right hon. Gentleman the Chancellor of the Exchequer proposes that we should consider. And here I may be permitted to say that I think we fell into a great mistake last Session in the course which we pursued with regard to Baron de Rothschild. It may be in the recollection of the House that on the Baron de Rothschild's refusing to take the whole of the Oath of Abjuration, I rose and moved that Mr. Speaker should issue his warrant to the Clerk of the Crown for the issuing of a new writ for the city of London. I was opposed, upon that occasion, by several hon. Members, and among others by my right hon. and learned Friend the Master of the Rolls, at that time Attorney General, who stated that, under the Act of Parliament, the penalty for having refused to take the oath was not the forfeiture of the seat, but merely a disability to sit and vote. Now, I think that my right hon. and learned Friend was mistaken upon that point. I have very carefully considered the subject since that time, and I have come to the conclusion that the precedents in the case establish the course of issuing a new writ when a Member refuses to take the oaths which are necessary to be taken before he can sit or vote in this House; and I believe no difference will be found in that respect between the Oaths of Allegiance and Supremacy and the Oath of Abjuration. I trust I shall be able to satisfy the House that in either case where a person who has been elected refuses to take the Oaths, his seat becomes vacant, and that a new writ ought to be issued. Now, if that is the question which the right hon. Gentleman the Chancellor of the Exchequer proposes to submit to our consideration on Monday, I shall be prepared to meet him upon it. But if that is not the question which he means to bring forward —and I cannot assume that there is any other, notwithstanding the "great doubt" of my hon. and learned Friend the Member for Cork upon a settled matter—I should be extremely glad to know precisely what is the point with regard to the right to the seat which the right hon. Gentleman means to bring under our notice.

Mr. BERNAL OSBORNE: I rise to order. I ask you, Sir, whether the hon. and learned Gentleman is in order in making those observations, if he does not mean to conclude with a Motion?

Mr. SPEAKER said, the hon. and learned Gentleman the Member for Abingdon must conclude with a Motion, or else he is not in order.

Sir FREDERIC THESIGER: Then I beg leave to move, at the instigation of the hon. Member for Middlesex, that Mr. Speaker do issue his warrant to the Clerk of the Crown for a new writ for the Borough of Greenwich.

Motion made, and Question proposed—

"That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Greenwich, in the room of David Salomons, esquire, who has refused to take the Oath of Abjuration in the form prescribed by Law."

The CHANCELLOR of the EXCHEQUER: I am very much surprised at the course taken by the hon. and learned Gentleman upon this occasion. A few minutes before the commencement of this discussion, I stated to the hon. and learned Gentleman the course which I proposed to pursue on this occasion, and he expressed his entire concurrence in the propriety of taking that course; and, as far as I could understand from my communications with hon. Members, I certainly thought it was the general wish of the House that no question should be raised this evening, and that we should not enter into the whole case in what would perhaps be the most objectionable manner. I confess, therefore, that I am much surprised at the course which the hon. and learned Gentleman has taken, and I think I have a right to complain of it. It is no doubt, however, competent to him to pursue that course; but I trust, under the circumstances of the case, the House will not refuse to adjourn the discussion.

Sir FREDERIC THESIGER: I do not mean to oppose the Motion for the adjournment; but when the hon. Member for Middlesex (Mr. B. Osborne) rose to call me to order for exceeding the proper limits of debate, I felt it necessary to conclude with a Motion, and I made a Motion which should give the House to understand the course which I would adopt on Monday next, when the question should again come forward for discussion. I have not the least desire, however, to violate the understanding to which I admit that I came with the right hon. Gentleman the Chancellor of the Exchequer upon the subject.

Mr. CHISHOLM ANSTEY: I rise to order. I submit to you, Sir, that the hon. and learned Gentleman is travelling into matters that do not now come properly before us. I wish to ask whether the hon. and learned Gentleman is warranted in rising to explain to enter into a variety of matters not properly before the House.

Mr. SPEAKER: The hon. and learned Gentleman the Member for Abingdon has moved the issuing of a new writ for the borough of Greenwich, and any Member making a Motion in this House is entitled to a reply.

The CHANCELLOR of the EXCHEQUER: May I be permitted to interpose for a moment? I wish to prevent the sort of feeling which is rising in the House. It is not necessary, on a proposal for adjourning the discussion, to enter into a lengthened explanation of the facts of the case. Let hon. Gentlemen recollect the angry feeling which prevailed upon this subject last year, and which it must be our wish for the future to avoid. I feel persuaded that, by not alluding further to the question at present, we shall best ensure hereafter a calm and temperate consideration of the subject.

Sir FREDERIC THESIGER: It is far from my wish to produce any irritation. I merely wished to explain how I was almost forced, by the interruption of the hon. Member for Middlesex, to conclude with a Motion. I have not, however, the slightest intention of departing from what I admit to have been the understanding between the right hon. Gentleman the Chancellor of the Exchequer and myself. I now beg leave to withdraw the Motion. It has served its purpose, and I do not wish to persevere with it.

Motion, by leave, *withdrawn.*

Further proceedings *adjourned* till *Monday* next.

SUPPLY—CIVIL CONTINGENCIES.

Order for Committee read.

House in Committee of Supply; Mr. Bernal in the Chair.

The following Votes were *agreed to:*—

(1.) 9,883*l.*, House of Industry, Dublin.

(2.) 600*l.*, Female Orphan House, Dublin.

(3.) 1,750*l.*, Westmoreland Lock Hospital, Dublin.

(4.) 600*l.* Lying-in Hospital, Dublin.

Mr. REYNOLDS said, that great benefits had been conferred by this hospital on the poor, and he would refer the Committee to the testimony borne in its favour by Sir Henry Marsh. He hoped the reduction in this grant would not be persisted in next year.

Mr. W. WILLIAMS objected to these votes, as taxing the people of this country for the support of the Irish poor.

Colonel DUNNE would like to know how the hon. Member reconciled the vote of 10,000*l.* or 15,000*l.* for the British Museum to his conscience?

The CHANCELLOR of the EXCHEQUER hoped Mr. Reynolds would agree to leave the matter as he had left it the other evening, when a promise was given to take these institutions into favourable consideration.

Mr. REYNOLDS said, the Irish people were not indebted to this country at all, but were, on the other hand, defrauded of a large portion of their own revenue. A return of the Irish revenue showed that the gross total was 5,000,000*l.*; the annual expenditure was 4,400,000*l.*, and 621,891*l.* remained in the Exchequer after all expenses had been paid. Let any Member of the Government show that this was not correct if he could. He would prove to any jury of twelve men that in the debits annually made to Ireland, she was defrauded at least of 1,000,000*l.* per annum.

Vote *agreed to;* as were the following:—

(5.) 1,200*l.* Doctor Stevens's Hospital, Dublin.

(6.) 3,040*l.* Fever Hospital, Cork-street, Dublin.

(7.) 400*l.* Hospital of Incurables, Dublin.

(8.) Motion made, and Question put—

"That a sum, not exceeding 38,160*l.*, be granted to Her Majesty, to defray the Expense of Non-conforming, Seceding, and Protestant Dissenting Ministers in Ireland, to the 31st day of March, 1852."

Mr. W. WILLIAMS said, he should oppose this Vote. A return recently laid before that House showed that there were 451 congregations whose ministers received this grant; these congregations paid 18,441*l.* as stipends, or about 40*l.* a year each congregation. They comprised 86,450 families, or 432,250 persons, giving an aggregate payment for each individual to his minister of forty-one farthings per annum. The same return stated, that no class of Dissenters were in the habit of paying so little to their ministers as those receiving the Parliamentary grant. The Presbyterians of the north of Ireland were as wealthy as the same class in England, and were as able to bear the expense of their own ministers. The grant was equivalent to about 85*l.* for each minister, or more than double the amount paid by their congregations. He therefore contended that no portion of the public taxes of this country ought to be paid for the support of these ministers.

Mr. TORRENS M'CULLAGH said, the hon. Member for Lambeth had surprised him for once. He had expected him to conclude with regretting the paltry nature of this grant. The calculation he had referred to was made by a person called Duncan Chisholm, an absconding witness, who consequently could not be relied on. The hon. Member ought rather to have proposed a reduction of the enormous revenues of the Established Church, which had not more members than the Presbyterian Church. He regretted that the forms of the House would not allow him to move the increase of this extremely inefficient grant. Seeing the way in which Duncan Chisholm had tampered with the public money and accounts, his statements could not be relied on.

Mr. CORNEWALL LEWIS said, he could not agree in the views of the hon. Member for Lambeth (Mr. W. Williams), because he believed there was scarcely any vote in the whole series of votes for the Civil Services, the disallowance of which would be attended with worse effects than the denial of this grant. This grant partook of the nature of an endowment for the Presbyterian Church in Ireland, and was originally granted by the Irish Parliament in the 17th century; and having been voted regularly ever since the Union by the English Parliament up to the present day, expectations of its permanence had been naturally excited by its long continuance. It was extremely moderate in amount for its purpose, and if it were suddenly withdrawn, he believed it would stir up angry feelings in the north of Ireland, which they must all wish to see allayed.

MR. CHISHOLM ANSTEY said, this Vote was tantamount to an avowal that these grants were made to purchase the loyalty of the Presbyterians of the north of Ireland. This was assumed by the very worst possible principle on which they could legislate; it was injurious both to the people who received, and the Government who made the grants. The sum was confessedly inadequate for the purpose; and, on their own principles, Government were bound to increase it; while the Committee, by affirming the principle, pledged itself to increase the Vote if necessary. He had resisted the Vote for the repairs of Maynooth, and on the same principle he should oppose all those partial grants. The Dissenters of Ireland themselves objected to these annual eleemosynary grants, and would rejoice in their withdrawal altogether. They were the source of bitter feuds in Ireland, and were the means of dividing the bodies into so called orthodox and heterodox parties. He would have the whole of this class of Votes withdrawn, whereby they would do away with great differences between the Dissenters themselves.

MR. W. J. FOX objected to this Vote on the same ground as he had opposed the Maynooth grant, the *Regium Donum*, and all other grants from the State to any religious denomination. It was, in fact, an endowment, and it had had the effect of diminishing the voluntary support of the ministers by their congregations. When this Vote was first granted by the Irish Parliament in 1792, it was only 8,100*l.*; but since they had had a pull on the English Exchequer, it had gone on increasing almost every year since the Union. He did not believe that the Presbyterian body had increased in proportion. The number of congregations might have increased, but there had been very little increase in the number of members. It was increased to 15,000*l.* very soon after the Union—almost double the amount thought sufficient by the Irish Parliament—a proof of the greater liberality of the united Legislature. He should support the Amendment, though he would much rather see the vote annually diminished until it was wholly withdrawn. He was convinced that the increase in this grant had been occasioned, not by an increase of the Presbyterian body in Ireland, but by the increased reliance of that body on the Imperial Exchequer.

MR. SHARMAN CRAWFORD would vote against the grant, as he always voted against all grants for religious bodies. He would prefer, however, a gradual diminution of the sum to its immediate extinction.

MR. G. A. HAMILTON said, the grant had been originally made in 1615 by James I., to encourage the settlement of Scotch Presbyterians in the north of Ireland. It was suspended by Cromwell on account of the unswerving loyalty of the Presbyterians to the house of Stuart. It would be seen, on reference to the returns, that the grant had only been increased in proportion to the population. The sums awarded to the different ministers, 92*l.* and 69*l.*, could not be said to be extravagant.

MR. MUNTZ said, he should oppose the grant on principle. If made to the Presbyterians, why should it not be given to the Roman Catholics? He had opposed any endowment of the Roman Catholics on this very principle.

MR. ROCHE thought that retrenchment ought to begin with the Established Church, and not with those who dissented from it. This grant was adapted to the state of things in Ireland. If the voluntary theory was to be carried out, let them not begin with these small grants, but with the Established Church.

MR. M. J. O'CONNELL said, he should support the grant. He was certain its withdrawal would be felt by the Presbyterians as a very great hardship. Considering the length of time the grant had existed, he thought it would be an act of injustice to do away with it.

MR. ALDERMAN SIDNEY would vote against the grant, for the reasons assigned by the last speaker, as well as on account of what had been stated from the Treasury bench, that the grant had been in existence upwards of two centuries. He thought it high time that these things were done away with. He had a memorial from a large body of English Dissenters, requesting him to oppose a similar grant for this country.

MR. W. WILLIAMS said, that in reply to those who argued that the Established Church should be made the first example of reduction, that his objection to this vote rested on a different ground from any objection to an Established Church, because the present grant was paid from the public taxes. If the right hon. Chancellor of the Exchequer would promise to propose the gradual reduction of this Vote, as he had done in the case of the grants to the Dublin Hospitals, he should not think it necessary to divide the Committee.

The CHANCELLOR OF THE EXCHEQUER said, he could not hold out any such promise as the hon. Member wished for.

The Committee *divided:*—Ayes 115; Noes 43: Majority 72.

Vote *agreed to;* as was also—

(9.) 6,589*l.*, Concordatum Fund and other Charities and Allowances, Ireland.

(10.) 144,000*l.*, Harbours of Refuge, *postponed.*

(11.) 9,969*l.*, General Board of Health.

SIR WILLIAM JOLLIFFE said, that the Board had as yet accomplished nothing whatever, and he saw no reason for believing that the plan contemplated by the General Interments Act of last Session would ever be carried out. They had expended, in the course of four months, upwards of 1,600*l.* in preliminary expenses. He hoped the Government would take care that they should not go on spending money in mere speculative inquiries.

LORD SEYMOUR said, that it was part of the General Interments Bill that the money for carrying out the scheme was to be raised upon securities; and that, owing to the difficulty of raising the money, the scheme had not been carried into operation with the success that might have been hoped for. All the ground round London had now been surveyed, with the view of ascertaining a suitable site, reference being had to the nature of the soil and considerations of that description, and he believed that the future expenses would not be great. The only question now was, how the future operations were to be carried on.

MR. W. WILLIAMS said, that he had received numerous communications on the subject of these burial grounds, expressing much surprise and disappointment at the delay that had taken place in respect to them.

LORD SEYMOUR said, that before they could close up the intramural burial grounds, is was of course essential that some other cemeteries should be provided for the reception of the dead.

MR. MOWATT said, that that was a fact which they were all perfectly well aware of. But the public complained of so much time being lost without any active measures being taken for the establishment of these cemeteries, and for putting a stop to the great evil which was so generally complained of. Was the noble Lord aware that in the very churchyard opposite, St. Margaret's, there were a considerable number of bodies interred daily? Why were not arrangements entered into to put the authorities in possession of cemeteries in the suburbs? The measure was pressed forward with much speed in the last Session of Parliament, on account of the urgency of the case; and yet nothing had been since done to give effect to it. He thought that the public had been trifled with by the Board of Health on this subject.

LORD SEYMOUR said, that the great difficulty arose in respect to the raising of money to purchase the necessary land upon the securities offered.

MR. W. J. FOX said, as the cemeteries about London were contemplated to be used temporarily, whilst the permanent places were being sought for, he could not see why, if these places were capable of receiving the dead of London, they should not be made permanent, and the intramural grounds closed. Now here were resources at hand; and he saw no reason why an absolute prohibition should not issue against intramural interments, seeing that they were the source of much mortality in this metropolis. One case of Asiatic cholera had been reported in the last week; and he therefore thought no further unnecessary delay should be permitted.

The CHANCELLOR OF THE EXCHEQUER said, the hon. Gentleman seemed to forget that in the event of the intramural graveyards being closed, compensation should be given those who had an interest in them. Now it was impossible to find the means for such compensation unless by levying a rate in the different parishes.

SIR DE LACY EVANS was willing to admit that there would be considerable difficulty in putting such a measure as the Interments Bill into operation. But though there was declared to be a difficulty in obtaining the funds, yet he hoped an assurance would be given that the measure would be put into operation at the earliest possible period.

The CHANCELLOR OF THE EXCHEQUER said, it was proposed to raise the necessary funds on certain securities, but parties subsequently objected to these securities on the ground that there would be a risk. However, that difficulty, he trusted, could be got over; but within the last few days another had arisen, which was now under consideration, and he was not prepared to say that at that moment he saw his way clearly through it.

Sir WILLIAM JOLLIFFE said, that if the Board went on expending money in the proportion they spent it during the last four months, it would be at the rate of some 5,000*l.* a year.

Mr. W. J. FOX thought the difficulty of compensation could be met in this way. On the interment of every parishioner a fee was payable to the parish clergyman. Let that principle be extended to interments in the cemeteries, and then a sufficient fund to compensate the parties having interests in intramural grave-yards would speedily follow.

Mr. MOWATT thought if the Government had not undertaken to legislate on the subject, it would have been long ago put an end to. The Government were only trifling with the public health in this vast metropolis. They had now an accession of nearly 2,000,000 to their population, and consequently the metropolis was exposed to the greatest danger from epidemic. The Government might talk of the difficulty of putting the Interments Bill into operation; but it was their own Bill, and they were bound to see that ample provision was at hand to carry it into effect.

Vote *agreed to.*

(12.) 11,500*l.*, Incumbered Estates Commission, Ireland.

Colonel DUNNE said, he wished to ask for some explanations with respect to this Vote. The 4th section of the Act of Parliament gave power to appoint a Secretary, but it contained no authority for the appointment of a Master, and he believed the appointment of a Master was entirely illegal, The estimate included a sum of 3,130*l.*, under the head of "other persons," besides 1,370*l.* for incidental expenses, and he thought some explanation should be afforded as to the manner in which those sums were expended. Mr. Baron Richards, the First Commissioner, received 1,500*l.* a year for his services under the Incumbered Estates Act, in addition to his salary of 4,000*l.* as a Baron of the Exchequer; but he contended that the public were entitled to the learned Baron's services in consideration of his judicial salary. He also thought the appointment of Baron Richards as a Commissioner was objectionable, because he would thereby be prevented from attending to his duties in the Exchequer, and great inconvenience might be occasioned in consequence. Baron Richards, also, was prevented by his duties as a Commissioner from going circuit, and it had been therefore necessary to send a barrister in his place. He (Colonel Dunne) considered that the proceedings of the Incumbered Estates Commission were spreading ruin in Ireland, where it was unsettling all ideas of private property, by giving what was called a Parliamentary Title; but it was in reality nothing but a Parliamentary sanction of robbery. The Commissioners commenced by stating that they had had applications made to them for the sale of property, the nominal rental of which was 1,036,975*l.*, but the real worth of which they took at 850,000*l.*; and it appeared that they had sold 227,327 acres of land, of which 210,000 acres were arable, at an average price of something like 9*s.* an acre, as cheap, he believed, as it could be bought in America or New Zealand. The incumbrances on this land were stated at 4,082,192*l.*, and they also said that they had received for it only 1,850,116*l.*; what, therefore, was to become of the remaining sum of near 3,000,000*l.* of debts? He admitted, indeed, that in many cases the incumbrances on an estate appeared to be double what they were in reality, on account of a practice in Ireland of giving judgments with the mortgage as a collateral security. One of the benefits which it was promised would result from this Court was that the money received on account of sales would be distributed quickly; but it appeared that although up to the 31st of March last the Commissioners had received 1,850,116*l.*, they had more than 500,000*l.* undistributed in their hands on the 1st of May. A policy based on such injustice, and carried out in such a manner, could be of no benefit to any country, and he believed that of all the measures detrimental to Ireland that had been passed of late years, this was the worst, and would be most disastrous in its effects.

Mr. CORNEWALL LEWIS must decline to enter, on the present occasion, into the general policy and operation of the Incumbered Estates Courts in Ireland; but he certainly differed entirely from the hon. and gallant Member as to the tendency of that policy, and its effects up to the present time. He (Mr. C. Lewis) would only remark, with regard to the non-distribution of the funds under the control of the Court, that the main object of the Incumbered Estates Act was to facilitate transfers of property, and to place purchasers in possession as soon as the purchase was effected, instead of keeping them out of possession, which would have been the effect of the slow and tedious process of sales heretofore effected under the direction of the Court of Chancery. It was the duty of the Court to distribute the funds created by purchases among creditors, according to the priority of their claims; but it was necessary that those claims should be proved, and their due priority ascertained, and that process could not be very rapidly performed. There was, however, no doubt that the Incumbered Estates Court proceeded much more rapidly in the distribution of the funds than the Court of Chancery would have done. The hon. and gallant Member for Portarlington inquired under what authority a Master had been appointed. He (Mr. C. Lewis) apprehended that that officer had been appointed under the general authority contained in the Incumbered Estates Act. The 4th section of that Act provided that it should be lawful for the Commissioners from time to time, with the consent of the Treasury, to appoint a secretary, clerks, messengers, and such other officers as they thought proper. A general power was thus given to the Commissioners to appoint officers, with the consent of the Treasury, to carry out the Act; and he believed the Master of the Court had been appointed under that general authority, and that his salary had been fixed with the consent of the Treasury. With regard to the appointment of Baron Richards, that was merely a temporary arrangement, made when the Incumbered Estates Court was originally constituted, in order that that Court might have the benefit of his knowledge and experience. It was true the learned Baron received an additional salary in consideration of his undertaking duties in addition to those of his judicial office; and he (Mr. C. Lewis) thought such as arrangement, under the circumstances, was only just.

Mr. G. A. HAMILTON wished to call the attention of the Committee to the extraordinary circumstance that so large a sum as 4,500*l*. was put down in this estimate to "other persons and incidental expenses." He found in other estimates (and very properly) the most minute details; as, for instance, at Pentonville prison, "an assistant tailor, 26*l*., and a charwoman, 31*l*.," and so on. He doubted whether the Committee would do right in passing such vague charges without some explanation as to the items.

Mr. HATCHELL said, that the Master of the Court was the gentleman who was originally appointed secretary, and who performed duties similar to those of the Master in the Court of Chancery; it was found necessary to devolve them upon him, in consequence of the accumulation of business in the Court, which required the Commissioners to devote the whole of their attention to the higher duties of the Court. His salary remained the same, and nothing was changed but the name of his office—a step which was thought expedient, in order that the duties performed by him should be properly understood. The particulars required by the hon. Member for the University of Dublin (Mr. G. A. Hamilton) were furnished in a return on the table. With regard to the head "incidental expenses," he might state that, in consequence of the accumulation of business in the court, it had been found necessary to employ additional hands, a great many of whom had been employed in furnishing the numerous and difficult returns called for by that House.

Mr. ROCHE thought that the principle of the Incumbered Estates Act was a good one, though he wished to guard himself from being taken to approve of the manner in which its details had been carried out. He must complain, however, that Government did not press with sufficient vigour the Security for Advances Bill, which was introduced two years ago by the right hon. and learned Gentleman the Master of the Rolls, and which was absolutely necessary to prevent the depreciation in the value of property which had taken place in consequence of the quantity of land which had been brought into the market in order to pay off the incumbrances. He knew a case in which land was recently sold at Cork at five years' purchase. He did not see why there should be any delay in the distribution of the fund to creditors; if there were not enough Commissioners to do the work, more should be appointed.

Sir WILLIAM SOMERVILLE said, that the Incumbered Estates Act received the general assent of both Irish and English Members on both sides the House, nor was the present a fitting occasion for discussing the principle of the Court.

Whatever difference of opinion might exist with reference to that point, he thought there could be none with respect to its efficiency, and to the manner in which the Commissioners performed the duties entrusted to them. It appeared, by a return dated July 17, 1850, that up to that time the Commissioners had sold property worth 500,000*l.*, the whole of which they hoped to distribute with the exception of 25,000*l.*, which possibly might have to be lodged in the Court of Chancery; that they had actually distributed 100,000*l.*, and hoped to distribute 200,000*l.* more before October. The total amount of the purchase money of the land sold up to the 30th March last was 1,850,116*l.*, and they had distributed 838,000*l.* up to the 1st May.

LORD NAAS said, that when the general assent of the Irish Members was given to the Incumbered Estates Act, they had no idea of the enormous extent to which the operations under it would proceed. Something was then said of 2,000,000*l.* of property coming under it, but he believed that the Court had now in its hands property on which there were 17,000,000*l.* of incumbrances. He believed that the effects of the Bill had been quite different from what was anticipated; and he believed that, although a small measure was necessary, this had so far outrun what was expected from it that it had done much more harm than good. He believed that the greatest escape that Ireland ever had was from the Security for Advances Bill. It sanctioned a general issue of paper money representing land, which would have been the French assignats of 1792 over again.

MR. MONSELL said, he must differ from his noble Friend as to the effect of the measure, but he regretted that it was not accompanied by the Security for Advances Bill. The working of this Act had revealed a state of things in Ireland which if known before would, he believed, have made the House more desirous of passing it sooner. Estates to the value of 850,000*l.* a year had been brought under the Court, and the incumbrances upon them were 17,971,000*l.* Out of 1,650 estates which had been brought under this Court, one half had been under receivers of the Court of Chancery. He would ask his noble Friend whether any country could thrive or prosper under such a state of things. The Commissioners had discharged their duty in the most satisfactory manner, and nothing could be more remarkable than the cheapness and expedition of the process. They had distributed and allowed in payment of incumbrances, 932,000*l.* [Colonel DUNNE: No, no!] They state in their returns of the 3rd of May that 838,000*l.* had been distributed, and that 94,000*l.* had been retained for the payment of incumbrances. The expenses of the Commission were only 11,500*l.*, and he thought Her Majesty's Government would do well to reform the other Courts of the kingdom, and endeavour to make them work as cheaply as the Incumbered Estates Court. So far from thinking the Court injurious, he thought that, if necessary, the Commissioners should be increased.

SIR ROBERT H. INGLIS suggested that the discussion was passing beyond the question before the Committee.

SIR HENRY BARRON maintained that this was a fit occasion for the expression of opinions respecting the Incumbered Estates Act. He saw too much of the ruin which had overtaken many families through the working of the Act, to sit silent when he heard this described as a beneficial measure. The market had been glutted with landed property, and estates had consequently sold for twelve or thirteen years' purchase, instead of twenty or twenty-five. Creditors had been ruined, He knew an estate sold for 22,000*l*, where the encumbrances were 27,000*l.*, the interest of which had always been well paid, and left the owner a clear income of 850*l.* a year.

COLONEL DUNNE said, he believed the Act had robbed the proprietor, the puisne creditor, the widow, and the orphan. To sell at twelve years' purchase estates worth twenty, was robbery. He could not think that due diligence was used in distributing the money.

MR. ROCHE regretted that there was a deficiency on sales, owing to the depreciation caused by the potato disease, and the fact of more money having been lent than the land was worth; but the case would be worse, unless the Security for Advances Bill were passed, and English capital attracted to the country.

MR. REYNOLDS would not vindicate the details of the Act; but he was prepared to raise his voice in support of the Act itself, as having done greater service to, and conferred more substantial benefit upon, the great majority of the people of Ireland than all the Acts of Parliament which had been passed by this House for a half century. He admitted that property in Ireland had been sold at twelve years' purchase, but not that that was below its value; because, when an estate was offered in Dublin in the Incumbered Estates Court, but unincumbered by a pauper population, and the purchaser had a fair guarantee of between 4 and 5 per cent for his investment, it was not sold at twelve or eighteen years, but often ranged between twenty and twenty-four years purchase. As an instance of this, he might mention the sale, the week before last, of Lord Belmore's extensive estates in Cavan and Fermanagh, producing between 5,000*l.* and 6,000*l.* a year; and the average number of years' purchase which that property had brought in the Court was as close as might be to twenty-one, whilst, instead of being in the hands of one sole proprietor, as before, it had been sold in twenty-two portions, and had thereby created twenty-two additional fee-simples. He could not agree that the Commissioners had glutted the market by forcing more land into it than there was money to purchase with; and he knew that when the Commissioners had been pressed to adjourn sales, they had invariably complied. He (Mr. Reynolds) did not want English capital to flow into Ireland; that would be only increasing the number of absentee proprietors. He believed that both England and Scotland would be benefited by an Incumbered Estates Act; in many instances estates brought to the hammer would produce no surplus for the mortgagor.

Sir HENRY BARRON said, the hon. Gentleman the Member for the city of Dublin could have no knowledge of the scenes to which he (Sir H. Barron) had referred; and that he had drawn upon his imagination, which was exceedingly fertile, for several of his statements. He was quite mistaken, for instance, when he said that by the sale of Lord Belmore's estates twenty-two additional proprietors of land had been created.

Vote *agreed to;* as were also the following Votes of

(13.) 4,993*l.*, Lighthouses Abroad.
(14.) 130,000*l.*, Census of the Population.
(15.) 7,700*l.*, New Bridge, Inverness.

The CHANCELLOR of the EXCHEQUER begged to remind the Committee of the necessity of this Vote. About a year and a half ago, a great flood took place in the north of Scotland, which burst the bank of the Caledonian Canal, and washed away the old bridge of Inverness. The people of Inverness attributed the washing away of their bridge to the canal accident, and having obtained the opinions of engineers in Scotland to that effect, appealed to him (the Chancellor of the Exchequer), on the strength of those opinions, to rebuild the bridge. Mr. Walker, the English engineer, did not concur in the opinion of the Scotch engineers, and he (the Chancellor of the Exchequer), after considering the circumstances, came to the same conclusion; but, under all the circumstances of the case, and especially as there did not appear to be any funds at Inverness for the re-establishing of the important communication which had been destroyed, he thought it best that half the expense, 7,700*l.*, should be granted by Parliament, and that the remainder should be advanced as a loan, and made a charge on the county.

Mr. W. WILLIAMS was on principle strongly opposed to the Vote, and would take the sense of the Committee against it. The most eminent engineers had stated that the destruction of the old bridge was not caused by the overflowing of the Caledonian Canal.

Sir FRANCIS BARING said, it was quite true that Mr. Walker was of opinion that the destruction of the bridge was not occasioned by the overflowing of the canal. He felt bound, however, to state, that some engineers who were sent down by the Admiralty did not concur in Mr. Walker's opinion, but thought that there was some blame in connexion with the canal.

Mr. REYNOLDS said, he must complain that a rule was laid down by the Admiralty department, that when a joint-stock company or a benevolent individual determined upon rescuing from the sea what was called shore, before being permitted to commence such an undertaking, they were required to lodge a large sum of money for a preliminary survey; and if they were unable to lodge that money, the work was stopped. In the same breath that the Lords of the Admiralty laid down that rule, they came forward to aid the inhabitants of Inverness with 7,700*l.* of the public money for the purpose of building a bridge.

Mr. DUNCAN thought it rather too much to say that the engineer of the Caledonian Canal would send in a report against himself. Scotchmen were not generally guilty of such indiscretion.

Mr. W. WILLIAMS said, he would not trouble the Committee to divide.

Vote *agreed to;* as was also the Vote for

(16.) 7,000*l.*, Cholera in Jamaica.

(17.) 15,000*l.*, Hunterian Collection (College of Surgeons).

The CHANCELLOR OF THE EXCHEQUER, in proposing this Vote, said, that Dr. John Hunter, having left an anatomical museum, which was committed by the Government of the day to the charge of the College of Surgeons, the duty devolved on that body of preserving those specimens, of admitting the public under certain restrictions, and of giving a course of lectures on science generally. The College of Surgeons had most faithfully discharged the trust confided to them. They had largely added to the museum; they had expended on it and the theatre no less a sum than 189,000*l.* of their own money; and at this moment, in point of pathological science, it was now the first museum in the country. It had been lately found that the present building was not sufficient for the purposes of the museum, with a due regard to the convenience of the public, in its increased extent, and an application had been made to the Government for a grant towards making the required addition to the museum, and for enlarging the theatre for the delivery of the lectures.

SIR ROBERT H. INGLIS begged to tender his thanks to the right hon. Gentleman for the encouragement the Government were, by bringing forward this Vote, giving to medical science.

Vote *agreed to.*

(18.) 1,000*l.*, Babylonian and Assyrian Inscriptions.

MR. CORNEWALL LEWIS said, that the Committee was aware of the discoveries which had been under the direction of Colonel Rawlinson on the supposed sites of ancient Babylon and Nineveh, and that under his superintendence, and with great labour, many inscriptions had been collected. A portion of these had been published in *fac simile* by the Asiatic Society; but, having only limited funds, and the expense of publishing the entire being beyond their means, they had applied to the Government for a public grant to enable them to complete this very interesting publication, and, as no very large amount was devoted to literary purposes, they might fairly recommend to the Committee a Vote in compliance with such application. He might as well take the same opportunity of stating that the next Vote, 500*l.*, was for the purpose of assisting Captain Layard in carrying on his excavations at the mound of Susa, with a view to the discovery of any ancient monuments that might be there deposited.

Vote *agreed to;* as were also the following Votes:—

(19.) 500*l.*, Excavations at Susa.

(20.) 10,000*l.*, Works at Spurn Point, River Humber.

Motion made, and Question proposed—

> "That a sum, not exceeding 144,000*l.* be granted to Her Majesty, to defray, in the year 1851, the Expense of constructing Harbours of Refuge."

MR. W. WILLIAMS hoped this Vote would be postponed until the Committee was in possession of some farther information on the subject. The report containing the items of expenditure, though delivered this morning, had not yet reached the hands of many Members, and those who had received it were prevented, by the shortness of the time, from inspecting the document.

MR. AGLIONBY trusted the Government would not object to a postponement, as the hon. Member for Montrose, who, he regretted to say, was absent from indisposition, and who had paid great attention to the subject, was desirous of bringing the Vote under the attention of the Committee.

MR. COBDEN observed that he had not had time to read the additional report, which had only been delivered to Members that morning, and he believed many others were in the same position. He hoped the Vote would not be pressed until his hon. Friend (Mr. Hume), at whose instigation the postponement had taken place, should have had an opportunity of examining the additional information which had been submitted in regard to the works in the Channel Islands. The right hon. Member for Ripon (Sir J. Graham), who also had required further information, was not present.

The CHANCELLOR OF THE EXCHEQUER regretted that the information had not been placed in the hands of Members earlier. The present Vote had already been once postponed, and if it was not taken to-night it might occasion the delay of a week in getting through the estimates, of which two other Votes only remained.

MR. W. WILLIAMS said, the Vote had been postponed in order that further information might be obtained with respect to some of its details. That information could not then be acted on, as it had only that day been laid on the table of the House.

The CHANCELLOR OF THE EXCHEQUER said, that nine out of ten parts of the information had been before the House previously in the evidence he gave before the Committee. The only addition was as to the money which had been expended since, and the probable amount required to complete the works.

COLONEL SIBTHORP objected to Votes being postponed on account of the absence of individual Members. He had himself, at considerable personal inconvenience, hurried down to the House before breakfast, in the expectation that the hon. Member for Greenwich was to take his seat at twelve o'clock, but had been disappointed, and the consequence was, that he had been deprived of his breakfast, and compelled to make a very hurried dinner in order to be at the House again at four o'clock.

MR. AGLIONBY said, it was no uncommon circumstance for that House to grant indulgence to private Members on postponed Votes; but if doing so on the present occasion would prevent the estimates being finished to-night, and obstruct the general business of the country, he would not say another word on the subject.

SIR GEORGE PECHELL bore testimony, as a naval man, to the advantages of the works which had been carried out at Dover and Portland.

MR. W. WILLIAMS did not object to the charge for the works at Dover and Portland, but only to that for the works in the Channel Islands. He wanted to know the grounds on which that enormous and, as he considered it, useless expenditure was to be incurred.

CAPTAIN SCOBELL was of opinion that no money spent in preparations for war or the protection of peace was of greater advantage than that expended in the construction of harbours of refuge. As he was informed, the works at these harbours were all in progress, and the question was whether they should carry out what they had begun. He had looked over the report which had been delivered that morning, and he had no doubt, from what he collected from it, that the harbours in the Channel Islands would be of very great advantage, and supply a want which was experienced severely during the last war.

MR. W. WILLIAMS said, that the charge for carrying on the works during the present year, in the Channel Islands, was 60,000*l.* He doubted whether the island where the harbour was being constructed was worth as much.

MR. COBDEN was quite willing to admit it was right to attempt to improve the harbours of Harwich, Dover, and Portland. His objection was to the item for the Channel Islands, particularly for the works at Alderney. The estimate for the works there was 620,000*l.*, of which 126,000*l.* had been expended, so that there would still remain to be spent in constructing a harbour of refuge at Alderney, which was an island about two miles long by a mile and a quarter broad, nearly 500,000*l.* of money. With regard to its advantages as a harbour for our commercial marine, he believed Alderney was never used as a harbour in time of peace, and if it was merely as a fortification in time of war, was it necessary to carry our outposts 100 miles away from our own shores, and fortify an island within a dozen miles or so of the French coast, in a place where the navigation was so dangerous that few ships would venture to go near it? This was a very different thing to fortifying our own coasts. This was carrying on a war of aggression against France. He hoped the Vote would not be pressed.

The CHANCELLOR OF THE EXCHEQUER said, he must deny that the works in the Channel Islands were being constructed with a view to any extensive or aggressive operations against France. The object of the works was to afford protection to our shipping trade, in passing up and down the Channel. The hon. and gallant Member for Bath (Captain Scobell) had said truly that the want of a harbour in the locality in question, was much felt in the last war, when French privateers, issuing from St. Malo, inflicted great injury on our shipping, and were the cause of a loss not of a few thousands, but probably of millions. He deprecated war as much as the hon. Member for the West Riding; but we could not shut our eyes to the possibility of war, and the Government would neglect its duty in not taking means to protect our commerce in the event of war breaking out. The works in the Channel Islands had not been undertaken in an aggressive or offensive character, but merely to protect ourselves and our trade.

MR. MILNER GIBSON hoped the ships or war steamers which were to protect our merchant vessels would not be sent to Alderney in the event of a war, for if they were, they would be of very little use, because all the English vessels navigating the Channel kept as close to the English shore as possible and avoided the Channel Islands; and a war steamer at Spithead would afford much more effective protection to them than if stationed at Alderney. He very much doubted whether those war steamers themselves would be safe at Alderney, when the works there were completed. What character they might eventually assume, after so enormous a sum had been expended, he did not know; he had been informed that the access and egress to and from the island, surrounded as it was by strong tides and sunken rocks, would be attended with the greatest danger to their war steamers; that in running to that island on some occasions they would lose some of their most valuable vessels; and that, instead of Alderney being a harbour of refuge, it would turn out to be a harbour of destruction. Believing it would be an improper place for a harbour of any kind, and that it would be altogether useless to protect the English trade in the Channel, he should support the Motion for postponing the Vote.

SIR FRANCIS BARING was willing to admit his right hon. Friend's high authority on naval matters; but without meaning any disrespect to him, he might observe that this was a subject which had been considered by a Commission of naval officers and military engineers who had reported in favour of this harbour, and that the Duke of Wellington entertained a strong opinion as to the importance of this station. He was not aware either, in a military point of view, that it was a bad position, should there be a war, to place war steamers for watching the motions of any foreign Power that might be disposed to assail us in that quarter. [An Hon. MEMBER: Cherbourg.] It was of great importance to have a station at Alderney for watching Cherbourg.

SIR THOMAS ACLAND would suppose, as the works had been undertaken under good advice, that due discretion had been exercised as to the position which had been selected. He would remind the Committee that France had thought it necessary to expend some millions in constructing and fortifying the harbour of Cherbourg, which was within thirty or forty miles from our Channel Islands.

CAPTAIN SCOBELL said, that in what had fallen from him before, he had abstained from giving any opinion as to whether these harbours of refuge were in the right positions or not. He presumed that that point had been settled long before he had entered that House, and therefore he had confined himself to the more general question of the Vote.

MR. COBDEN called upon the Committee not to spend the enormous sums set down in the estimate upon Alderney and Jersey. It was useless to complain of the excessive weight of taxation, so long as they reconciled it to themselves to spend 500,000*l.* on these harbours. This was an aggressive Motion. It was an attempt to fortify a place fifty miles from the English coast; and if they had money to waste, they would not be justified in throwing it away in such a manner. It was far better to sacrifice what had been spent on Alderney, than to go on spending 500,000*l.* more upon it. He believed that if these harbours were to be made now, they would never be commenced. He should propose as an Amendment, to reduce the Vote for the Channel Islands by 60,000*l.*

Motion made, and Question put—

"That a sum, not exceeding 84,000*l.*, be granted to Her Majesty, to defray, in the year 1851, the Expense of constructing Harbours of Refuge."

MR. HENLEY complained of being placed in a difficulty by the course taken by the Government. This Vote was on a former occasion postponed in order that information might be produced. The information had not been laid before the House until that morning, and no one had yet had time to consider it. Under these circumstances the Committee was called upon to sanction a great expenditure, with an intimation from the Government that this was to be the last Supply night.

The Committee *divided*:—Ayes 21; Noes 57: Majority 36.

Original Question put and *agreed to.*

(21.) Motion made, and Question proposed—

"That a sum, not exceeding 50,000*l.* be granted to Her Majesty, to complete the sum necessary to defray the Charge of Civil Contingencies, to the 31st day of March, 1852."

MR. HUTT said, as this Vote included a sum for the suppression of the Slave Trade, he was anxious to say a few words on the subject, because the noble Lord the Secretary for Foreign Affairs had, on Monday last, made a statement to the House which he (Mr. Hutt) would not presume to say was erroneous, but which he certainly thought was incomplete, and therefore calculated to deceive the public. The noble Lord stated on Monday night that the Slave Trade had recently undergone a very remarkable diminution. The truth of that statement he (Mr. Hutt) was ready to admit. The diminution was a very gratifying fact. No doubt it was in a great measure owing to the tenacity of purpose and characteristic energy of the noble Lord. But let them not be misled by present appearances. Let them not be misled by what had fallen from the noble Lord so as to mistake their position in this matter, and the grounds upon which their hopes for the future were founded. Above all, he would ask them not hastily to come to the conclusion that the painful subject which it was his duty to bring before the House in the course of last Session, relative to the merits of the African squadron, had been finally disposed of. It was not the African squadron that was suppressing the Slave Trade. That squadron was now contributing to the suppression of the Slave Trade precisely what it had contributed during the last thirty years that it had been in operation—little or nothing. Did any one suppose that after having been inoperative, or at least only partially operative (as he thought every one must admit), for thirty years, the African squadron had all of a sudden become so wonderally successful as the noble Lord would have them believe? The noble Lord appeared to have acknowledged, with great justice and liberality, on Monday night last, the exertions which had been made by the present Government of Brazil towards the suppression of the Slave Trade. It had been remarked by Mr. Burke, that the Slave Trade could only be suppressed in the country where it ended, that was, the importing country. It was notorious, that whenever the Governors of the West India Islands earnestly set their faces against the Slave Trade, the Slave Trade in those islands uniformly became almost extinct. In 1842, the Brazilian Government undertook to do precisely what they were doing now; they prohibited the sale in open market of slaves imported from Africa. The consequence was, that the Slave Trade almost disappeared. But let them mark what followed; the Brazilian Government having adopted that measure of suppression in defiance of the public opinion, were turned out in the next year. In 1847, a Committee of that House, appointed to inquire into the subject, almost unanimously reported that it appeared to them that the Slave Trade in Brazil never had attained so great a height as in the year 1847. The years 1848, 1849, and 1850, were equally remarkable for activity in the Slave Trade. Well then, he thought it was quite clear that the African squadron had not effected the gratifying results described by the noble Lord. He thought there was reason to apprehend that that vicissitude which had attended the Slave Trade in times gone by, might probably attend it hereafter. There could be no doubt whatever that the Emperor and Legislature of Brazil were most anxious to put down the Slave Trade, but it was also true that the Brazilian Government were now acting under circumstances extremely favourable for carrying out their anti-slavery purposes, which circumstances could not be expected to continue for any length of time. The pestilence which had carried off so many of the slaves imported into the Brazils last year, had deterred a vast number of persons, formerly engaged in the Slave Trade, from carrying on their former traffic in slaves. But the alarm occasioned by that mortality was not likely to last for many years. But, above all, he would ask the Committee to attend to this fact, that slaves were at that moment uncommonly cheap in Brazil. It was a fact which deserved the utmost attention, that notwithstanding all the exertions of the African squadron, notwithstanding the fleet employed on the coast of Africa and South America, the number of slaves imported into Brazil in 1848, 1849, and part of 1850, was so great that the slave market was actually glutted. And, notwithstanding the great number of slaves carried off by yellow fever in 1850, notwithstanding the unusual demand for labour consequent upon the great development of agriculture in Brazil, he could state, on the best authority, that slaves at this moment were being sold 100 per cent cheaper than in 1845. Whether the Brazilian Government would be able to interfere between the demand and supply of the next few years, would have yet to be determined. All that was certain was, that every one in this country wished that the Brazilian Government might succeed in putting an end to the supply of slave labour. He thought he had shown that there were no sufficient grounds for concluding that we were approaching the certain extinction of the Slave Trade; and, above all, he thought he had stated sufficient to show that it was not by means of the African squadron that we were to arrive at so gratifying a result. At that advanced period of the Session he did not wish to trouble the Committee with further observations upon this subject; but before he sat down he would venture to make one remark with respect to the expense of the African squadron. A vast deal of pains had been taken to conceal the real expense occasioned by our efforts to put down the Slave Trade. A Committee of the House of Lords (presided over by the Bishop of Oxford) sat last year upon this subject. That Committee stated that the expense of the squadron had been greatly exaggerated. He (Mr. Hutt) would not charge the Bishop of Oxford with having uttered any thing Jesuitical; but that was a sentence of most oracular ambiguity. What was meant by the expression? However, the Bishop of Oxford had appended to the Report of the Committee a statement, from which it appeared that he set down the expense at 160,000*l.* per annum. With very great labour he (Mr. Hutt) had obtained information from different departments of the Government on this subject; and he was inclined to believe that this Commission to put down slavery cost us between 600,000*l.* and 700,000*l.* They voted annually 7,000,000*l.* for the support of their Navy; and if they considered the amount of their squadron on the coast of Africa, he did not think that they would consider the amount had been understated.

VISCOUNT PALMERSTON: Sir, I am sorry that it so happened the other evening that I did not wait until we had an opportunity of hearing the opinion of my hon. Friend (Mr. Hutt) on this subject; but the House, on that occasion, appeared to wish that I should then make the statement which it was anxious to hear. And although I was sorry to make it in the absence of my hon. Friend, yet I can assure him that it was not from any disrespect towards him, or from any wish to take advantage of his absence. My hon. Friend stated, in the outset of the observations which he has just made, that many, or at least some, of the statements which I made were erroneous, though he did not impute to me any intention to misrepresent. He omitted, I think, to specify in what the error consisted. And in fact, as far as I understood the drift of what he stated, he did but confirm the result of everything which I said on a former evening. The result of my statement was the great diminution of the Slave Trade—and that my hon. Friend has now completely confirmed. I never stated, either then or at any other time, that I relied entirely on this portion of the squadron on the coast of Africa, for accomplishing the object we have in view. My statement has always been that that is an essential element in our plan of attack, but that that alone could not be expected fully to accomplish our object. I agree entirely with my hon. Friend, that for the full accomplishing of the suppression of the Slave Trade, you must act upon the point where it ends; but I differ with him entirely as regards his opinion that it is unnecessary to exert any action upon the point where it commences. You must apply your means both at the beginning and the end, and then you may expect to attain success. Now, my hon. Friend says I did full justice, as I meant to do, to the very valuable and praiseworthy course which the Government of Brazil is at present pursuing in this respect. The circumstances which led to that were many, and the causes are various, external and internal. There has been no doubt a great change produced in public opinion in Brazil. Perhaps the change is not so great as the increase which has taken place in the expression of an opinion which for a long time has prevailed among the native Brazilians. The party that supported the Slave Trade, and the practices of the Slave Trade, were chiefly foreigners—Portuguese and others. The real Brazilians had long felt not only the disgrace, but the curse, which the Slave Trade inflicted upon their empire. But I must tell my hon. Friend that the two parties in Brazil—that party on the one hand who practise, and patronise, and support the Slave Trade, and that party on the other hand who, from patriotic and enlightened feelings, wish to see it cease; these two parties did look with the most anxious feelings to the proceedings of the Committee of my hon. Friend, to the Report of that Committee, and to the decision which this House would pronounce thereupon; and that everything that was corrupt, and base, and disgraceful in Brazil clung to the opinions of the Report of the Committee of my hon. Friend, and that everything that was honourable and patriotic in the country, was anxious that the Government should pursue and persevere in the course which had been taken for the suppression of the Slave Trade. My hon. Friend was very near doing, at that period, very great mischief on this subject. Sir, I remember it was stated by a great philosopher, that half of the evils of mankind arise from the vices of men, but that the other half arises from their erroneous opinions. Now I must tell my hon. Friend that, though I give him full credit for the utmost sincerity in the opinions which from time to time he has expressed upon this subject, and though I am convinced that he himself would be far from desiring to witness the atrocities and calamities which the enforcement of his opinions would have occasioned — I must tell him that the opinions which he has expressed, and which I am afraid he still entertains, would, if they had prevailed, have opened the floodgates of iniquity upon the world; that they would have deluged Africa and America with misery and crime, and would have produced results which, I am sure, my hon. Friend, when he calmly considered the matter, would never have forgiven himself for having been the unintentional instrument of producing. Now, Sir, my hon. Friend has stated that in which I fully agree with him, namely, that we must not trust too confidently that that which now exists will be entirely permanent. My hon. Friend has made a little mistake in his statements. He says that the price of slaves in Brazil has varied 100 per cent. It has varied 100 per cent, but in the opposite direction to that which he has stated to the House. He says the price of slaves is 100 per cent lower than it was. I believe I can inform him, on the best authority, that it was this year higher 100 per cent, as compared with what it had been a very short time before. [Mr. Hutt: When?] I think about January the price rose to double of what it had been in the course of the preceding year. But he has also made a mistake in the amount of slave importation in the year 1850. It is quite true, as he states, that in 1847, 1848, and 1849, the amount of importation was very great; but in the year 1850, the amount imported was rather less than one half of what had been imported in the year before. [Mr. Hutt: I only spoke of the beginning of the year 1850.] The beginning—well; just so. I took the whole year. But the great diminution has been in the present year, when the action of the Brazilian Government has come into full play. I quite agree, however, with my hon. Friend that however great the success at present may have been, it is not complete; that we must not reckon too speedily upon its being permanent; that we must continue to exert those means which have produced that success; that we must give to the Brazilian party who wish to get rid of the Slave Trade, that support which has enabled them to accomplish the results upon which we all congratulate ourselves; and then I think that, in the course of no distant period, this country may rejoice at the success of that constancy, that perseverance, that generous determination of the British nation by which (and not by any conduct of this House or that Government, who have only been the organs of national feeling upon this subject) this country will have the satisfaction of having accomplished a work which, if nations as well as individuals reap the benefit or meet the punishment of good and bad actions, will, I trust, tell to the advantage of the British people.

Viscount Palmerston

Mr. MILNER GIBSON said, he wished to offer a remark on the somewhat lofty flight in which the noble Lord had described the results that in his view would have followed from the adoption of the opinions entertained by the hon. Member for Gateshead (Mr. Hutt). He (Mr. M. Gibson) had always been induced to believe, and the evidence he had read strengthened that belief, that the squadron on the coast of Africa, though unable to prevent the Slave Trade, was nevertheless able to increase the horrors of the middle passage, and had occasioned a greater waste of life than if the Slave Trade had never been interfered with by force of arms. The noble Lord had himself admitted that during the years 1847, 1848, and 1849, while under the active operations of the squadron the Slave Trade was increasing rapidly, and that it was only when the Brazilian Government, acted upon by public opinion, had come zealously into the field, that we witnessed the gratifying result of its diminution. He had always contended that there was only one power in the world which could put it down in Brazil, and that was the formation of public opinion against it. It was that power which had put it down in the British colonies, and that would abolish it in Brazil. Opinion had progressed faster in Brazil with reference to its abolition than it had done in this country. It took thirty years to convince the English bishops that the trade was a sin and a curse; it also took years of conflict in both Houses to produce a similar impression on the minds of the most moral men. We ought to encourage the feeling in Brazil, and give the Brazilians full credit for what they had done; and in this and other ways we might materially assist a cause we had so deeply at heart. On the contrary, the course which England ought to take was to cherish the rising spirit, and to give it prominence in accounting for the great results which had happened, and for the as great results which were anticipated. He hated the Slave Trade, and condemned the fruits of the Slave Trade as strongly as it was possible for any man to do. All that he dissented from was the doctrine that we alone, and we only, had accomplished the results before us. He wanted to get rid of the intolerable conceit which would be manifested if one country was permitted to suppose that by a coercive process it had compelled another country to do certain distasteful things. And as now, according to the admission of the noble Lord, the Brazilian Government was taking efficient steps to put an end to the Slave Trade, he (Mr. M. Gibson) wished to ask the noble Lord whether the Government of England was prepared to act in accordance with the promise made by the Earl of Aberdeen, when he introduced the Act known as the Brazilian Act, whereby the English cruisers were authorised, without any reference to treaty rights, to deal with Brazilian ships in the manner permitted by the laws of England on the Slave Trade? The promise of the Earl of Aberdeen was, that he would propose the repeal of that Act whenever the conduct of the Brazilian Government would justify him in doing so; and what he (Mr. M. Gibson) now asked the noble Lord, was, whether he could hold out any hope that the present Government would come forward to repeal the obnoxious Act—an Act which the present Lord Chancellor, in and out of his place in Parliament, had pronounced to be in violation of the law of nations, and only adopted because of the power of a strong country over a weak country? He (Mr. M. Gibson) thought that a promise of this character in a matter of this kind was in the nature of a stipulation, and was to be regarded as not less binding on the Government succeeding than on the Government which entered into the engagement. The words of the Earl of Aberdeen were distinct. [The hon. Member here read the words extracted from a despatch wherein the Earl of Aberdeen intimated that the English Government was far from desiring a continuance in the mode of adjudicating on Brazilian ships taken by English ships, practised without the justification of a treaty; and that the British Government would be ready to recommend the adoption of other measures to Parliament, so soon as the Brazilian Government, by its policy, enabled them to do so.] The noble Lord would perhaps state if, in his opinion, the proper time had come for the repeal of the Brazilian Act.

Viscount PALMERSTON: I do not consider that the time has come.

Mr. CARDWELL said, he saw a great inconsistency in the argument of the right hon. Gentleman who had just resumed his seat. The right hon. Gentleman concurred in the opinion of the hon. Member for Gateshead (Mr. Hutt) that the squadron was inefficacious, and that the improved policy of Brazil would not be permanent; and yet he proposed to the noble Lord the Foreign Secretary to abandon those very means on which it would be the noble Lord's duty to fall back, upon the failure of the influences now applied for the suppression of the infamous traffic. The right hon. Gentleman contended that the squadron had done little or nothing, and that the policy of the Brazilian Government had done everything in effecting the result. But what had induced the new policy of the Brazilian Government? The noble Lord had spoken of the decrease in the Slave Trade in 1850; and the reply was, that this was true only as respected the latter part of the year, because in the early part of 1850 the Brazilian Slave Trade had been most prosperous. But what had been the state of affairs, then, in this country? On the table of the House of Commons had been a Report, sanctioned, he was sorry to say, by the majority of a Committee, strongly recommending the abolition of the squadron. This fact was immediately known in Brazil; and well therefore might the Slave Trade have been prosperous. The Report of the Committee was contended against by the noble Lord at the time, with all the force of his influence, in a manner which was greatly to his credit; and when the news of the result arrived out at Brazil, the prosperity of the Slave Trade immediately ceased. The hon. Member did not contend but that, in the latter part of 1850, it was entirely reduced and ineffective. The hon. Member said the diminution was owing to the change in the policy of the Brazilian Government. Was there no evidence of the cause of the change? After the evidence had reached Brazil that this House had reversed the opinion of its Committee, and had supported the Government and the Executive of Great Britain in the determination to repress the slave traffic, the Foreign Minister of Brazil, in the Chamber of Representatives, said, in reference to a dispute which had unfortunately arisen with this country—

> "We (the Government of Brazil) will do everything to maintain the dignity of our country against all assaults; but if you imagine that when a country like Great Britain has set herself in earnest for the extinction of the slave trade, you can maintain it, you greatly deceive yourselves."

And that declaration was received with applause. Surely, after this, it was easy to understand why the policy of Brazil had changed. The right hon. Gentleman had said that our own bishops had only been convinced of the crime of the Slave Trade after thirty years of agitation and discussion, and that, consequently, we could not expect as rapid convictions on this question in Brazil. But there could be no doubt whatever that the Brazilian policy had been very rapidly changed after certain events. He (Mr. Cardwell) denied most emphatically, however, that they could attribute the benefits effected to the recent policy of Brazil. Would the Slave Trade have been lessened in Cuba if it was not owing to the squadron? He believed that the whole evidence substantiated the real value of our squadron. The hon. Gentleman said, that what was happening now had happened before in 1842. In 1842 the Brazilian Government attempted to repress the Slave Trade. In 1842 a part of the fleet on the coast of Africa was withdrawn for the Chinese expedition, and notwithstanding the policy of Brazil being then in favour of repression, the diminished efficacy of the squadron was immediately felt in the increased prosperity of the Slave Trade. The House had to look, in deciding on the value of the squadron, to what had taken place before the change of policy on the part of Brazil. Above 2,500 miles on the African coast were exempted from the horrors of the Slave Trade; 22,000,000 of people had been made secure and free; and 22,000 tons of British vessels were engaged in the palm-oil trade in those places where no other trade but the trade in slaves had ever before been known. They had relieved the whole coast of Africa from this trade, with the exception of the coast occupied by the Portuguese colonies in the south; and here there were particular difficulties, not the least of which, at certain times, had been the absence altogether of the squadron. No one had ever contended that a perpetual police of ships on the African coast was the only means of repression of the Slave Trade. There were two other great influences coincidently at work—the one commerce, and the other Christianity. And how, he would ask, could commerce be carried on, and Christianity make progress, where rapine and piracy were permitted to prevail? In preventing rapine and piracy we gave protection to the beginnings of legitimate trade until they had grown up and gained strength; and by the presence of the squadron we taught the natives of Africa that they could not get a profit by the Slave Trade, because we were determined to prevent them, and that they could get a profit by other traffic, because in any other traffic we were willing to encourage and to support them. We had gained, it was certain, all that it was possible to gain, down to the Bight of Biafra, and even in many places south of the line. The hon. Gentlemen opposite themselves admitted that by the combination of measures, by the squadron, and by the new policy of Brazil, the Slave Trade on the coasts of Brazil had been almost annihilated. He (Mr. Cardwell) concurred entirely in what had been said by the noble Lord as to the true philanthropy on this subject which influenced his hon. Friend (Mr. Hutt); and he was sure that the admission, that in the whole course of this century the traffic in slaves had never been so slight, would be on all hands most gratifying. Some months ago, it was beyond doubt, there had been great dissatisfaction and discontent among the people of England on this matter. That dissatisfaction, however, had never been excited on the mere score of expense. The public did not desire to have the character of England brought in question by failure, and did not desire to throw away 1,000,000*l.* annually in an endeavour which was generally represented as unsuccessful. But now that the great fact had been admitted—now that it was allowed that the traffic in slaves had never been so low, he would not be afraid of any appeal which, under such circumstances, might be made to the people. And having himself the honour to represent that valuable commerce which came to the ports of this country from South America and round the Horn, from India, and from China, he would say that he was not prepared for any miserable economy to surrender the African seas to the purposes to which Sir Charles Hotham and every naval officer competent to give an opinion had declared they would be converted—as the nest and abode of pirates; the dealers in that infernal traffic which was the scourge and disgrace of human nature.

MR. HUTT must appeal to the hon. Member whether he really meant to say the squadron, in its operations, had distinguished between ships going to Cuba and those going to Brazil?

MR. CARDWELL said, the sources of supply were entirely different. The squadron had extirpated the Slave Trade in the northern parts, from which Cuba solely derived its supply; but had not extirpated it south of the line, in the Portuguese colonies, which supplied Brazil, and for the reasons he had given.

SIR ROBERT H. INGLIS rose to acknowledge the obligation which he and all who had taken part in the suppression of the Slave Trade felt, to the noble Viscount, who had now, he would not say completed his work, but had so far advanced his efforts for its suppression as to justify the most sanguine hopes of his ultimate success. None of them looked for the suppression of the Slave Trade to any one means, and they agreed that other means as well as the squadron were inevitably necessary. He was bound, however unwillingly, to say that he entertained still all the objections he had felt last year to that measure of commercial policy by which with one hand they had opened a market to slave labour, while with the other hand they sought to prevent it. He would not say another word to disturb the tranquillity and harmony of the discussion; but, thanking the noble Lord for the part he had taken, he begged, in conclusion, to express a hope that the noble Lord would extend to our colonies on that coast the benefits of steam navigation, which had contributed so greatly to the commerce and civilisation of other parts of the world.

MR. W. WILLIAMS said, there were several Votes under the head of Civil Contingencies, on which it would be necessary for him to take the opinion of the Committee. The first was a vote of 349*l.* 13*s.* 1*d.* for the expenses incidental to the passage of the Bishops of Gibraltar, Barbadoes, Jamaica, Antigua, and Newfoundland. He thought it was quite sufficient to give the bishops free passage in Her Majesty's ships, without maintaining them on the way. There was then a vote of 137*l.* 19*s.* 6*d.* for constituting and appointing the Bishops of Quebec and Montreal, and a sum of 75*l.* 15*s.* for entertaining the Danish Governor on the coast of Africa. These were small sums, but he objected to their allowance, on account of the principle involved. There was also a charge of 250*l.* 7*s.* 1*d.* for robes, collars, badges, &c., for knights, and 184*l.* 4*s.* for the marshal of the ceremonies. Surely the gentlemen who received the honour of knighthood might afford to pay for the decorations incidental to their newly-acquired honours. There were other items, however, of more importance, to which he objected on the ground of principle. There was an item of 2,844*l.* 3*s.* 6*d.* for the expenses of the Queen Dowager's funeral; an item of 612*l.* 2*s.* 7*d.* for the funeral of the Princess Sophia; and another of 353*l.* 7*s.* 1*d.* for that of the Duke of Cambridge. Now, when it was borne in mind that the late Queen Dowager had an allowance of 100,000*l.* per annum, and Marlborough House, on which 10,000*l.* had been expended to make it fit for her reception, independently of annual grants for repairs, &c., he thought it too hard that the public should be saddled with the expense of her funeral. Her late Majesty had left a large sum of money to her relatives in Germany, and it was only fair to the people of this country, who had made her such an enormous allowance when living, that her assets should bear the expense of her funeral. The Princess Sophia had also a large allowance from the public, and the charge for her funeral ought also to be borne by the property of which she died possessed. With regard to the charge for the Duke of Cambridge's funeral, the remarks which he had made with reference to the late Queen Dowager applied with equal cogency to that item. The late Duke received an allowance of 27,000*l.* a year for a great number of years, and left a large amount of property behind him, out of which his funeral expenses ought to have been paid. There was next a charge of 100*l.* for auditing the accounts of Maynooth College. To this item he was also opposed, for he had never heard of such a charge on account of any other institution of the kind. He would read over the items to which he intended to object:—

> "Expenses for passages of the Bishops of Jamaica, Barbadoes, Gibraltar, Antigua, and Newfoundland, 349*l.* 13*s.* 1*d.*; Constituting and appointing Bishops of Quebec and Montreal, 137*l.* 19*s.* 6*d.*; Entertainment of the Earl of Elgin, 78*l.*; Ditto of the Danish Governor on the coast of Africa, 75*l.* 15*s.*; Robes, collars, badges, &c., for knights, 250*l.* 7*s.* 1*d.*; Marshal of the Ceremonies, 184*l.* 4*s.*; Funeral of the late Queen Dowager, 2,844*l.* 3*s.* 6*d.*; Ditto of the late Princess Sophia, 612*l.* 2*s.* 7*d.*; Ditto of the late Duke of Cambridge, 353*l.* 7*s.* 1*d.*; Auditing the accounts of Maynooth College, 100*l.*; Episcopalian clergy of Scotland, 1,200*l.*"

Why should the people of this country be saddled with these expenses? He should propose that these items should be disallowed.

Motion made, and Question put—

> "That a sum, not exceeding 44,218*l.* 10*s.* 3*d.* be granted to Her Majesty, to complete the sum necessary to defray the Charge of Civil Contingencies, to the 31st day of March, 1852."

MR. CORNEWALL LEWIS said, that the Vote taken last year for Civil Contingencies was 100,000*l.*, but the sum actually expended was only 65,000*l.*—a pretty conclusive proof of the desire of the Government to promote economy. With respect to the items for the travelling expenses of the bishops, he had only to remark that these allowances had for a considerable time past been regularly made, and therefore no new principle was involved in the Vote. The stipends of these bishops were not large, and some of them, as, for instance, the Bishop of Gibraltar's, was supplied from voluntary sources. It was, therefore, only reasonable that their travelling expenses should be defrayed, especially as they were exceedingly moderate—the charges for the visitation of the Bishop of Antigua, for instance, only amounted to 19*l.* 15*s.* The next item, relating to the charge for entertaining the Danish Governor, arose on the occasion of the cession of the Danish forts on the coast which had been purchased by this country, and could not occur again. The charges for badges, collars, &c., of knights had formerly been borne on the Civil List, until they were transferred to the Civil Contingencies. The charges for Royal funerals had also been always defrayed out of the Civil List, for it had never been the custom that members of the Royal Family should be compelled to make testamentary provision for their obsequies. If the principle of these charges was admitted, it would be difficult to find fault with the amounts themselves, for they were exceedingly moderate. With respect to the Queen Dowager's, the fact would doubtless remain in the memory of most hon. Gentlemen that Her Majesty had left a paper requesting her funeral to be of a very unostentatious character. Though, of course, it was on a somewhat extensive scale, it was an exceedingly modest one, considering her exalted rank.

COLONEL SIBTHORP said, he had ever felt the greatest respect for the late Queen Dowager, but would have been better pleased not to have seen the expenses of her funeral taken out of the pockets of the people. He would have been glad to join in a testimonial to her virtues in a monument, or in any other way; and he could not vote with the hon. Member in denying that tribute to her estimable character. He would have been much better pleased if the hon. Member had included the vote of 1,065*l.* for the salaries and expenses of the Commissioners for the Exhibition of the Industry of All Nations, as it was called. He had heard the Crystal Palace described as an amicable and harmonious confederation; but he only entertained one opinion about it—that it was a gross fraud on the public, raised up by whom and for what purpose? For a little popularity to certain individuals, one great Personage was fed and clothed by this country, and he regretted that that illustrious individual had adopted a course which more than another was injurious to the people of this country and to the respectable tradesmen who would be impoverished hereafter, and which did no credit to himself. The Exhibition had brought up a vast number of unsuspecting people from the country, who would be obliged to part with a good deal of their money in order to gratify their curiosity, and who would then go back to their several parishes without being able to pay their tradesmen. "Evil communications corrupt good manners." Nine months hence would show the country the consequences of the Exhibition. He objected to it because it encouraged the foreigner, who would go home and laugh at them, and say, as he believed an eminent foreigner had said, that Englishmen were digging their own graves. He (Colonel Sibthorp) had never yet gone to see the Exhibition, though he did not pledge himself that he would not go; but he declared that at the present moment he had not the slightest curiosity to see what he believed to be mere trash and trumpery. [*Cry of* "Oh!"] An hon. Member cried "Oh!" He supposed he was a Commissioner, who had got hold of some of the public money, and who hoped to get more. He wished to know from the right hon. Chancellor of the Exchequer whether it was intended to keep up the building in Hyde Park? whether, in fact, they would dare to keep it up after the contract which had been entered into to the contrary? With respect to the sum of 1,065*l.* which was now asked to pay the expenses of the Commissioners, he begged to say that if it was true that the Commissioners were extracting so many hundred thousands of pounds out of the pockets of the people by tricks and manœuvres which a conjuror would be ashamed of, he did not see why the Commissioners' expenses should not be paid from that source. Rather than see them paid out of the public purse, he confessed he would be willing to pay them himself. With respect to the building, he sincerely wished that some visitation from above—some storm of hail, or the like—would knock it end over end, and then there would be no continuation of it.

The CHANCELLOR OF THE EXCHEQUER begged to inform the hon. and gallant Member that, as he might have learnt from the newspapers, he was always open to the receipt of conscience money; and that if the hon. and gallant Member would transmit him the sum required for the expenses of the Commissioners, he would promise him that it should be acknowledged in the *Times*.

COLONEL SIBTHORP said, that the right hon. Gentleman received public money; he (Colonel Sibthorp) did not; would the right hon. Gentleman join him in paying the sum in question?

SIR HARRY VERNEY could not agree with the hon. Member for Lambeth with respect to the item for robes, collars, badges, &c., for knights. He thought that this was an expense which fell legitimately upon the public—seeing that these decorations were usually conferred upon naval and military men for their public services. Indeed, he thought that these honours ought to be conferred without any expense whatever to the parties receiving them. Instances had come under his knowledge where some of the higher military orders had put individuals to very serious expense.

MR. EDWARDS regretted he had not had the advantage of hearing the speech of the hon. Member for Lambeth, having been absent from the House at the moment, and therefore, along with many others, he felt himself placed somewhat in a dilemma as to his vote. In the first place, he believed that the money asked for had already been paid, and he did not see how the House could well disallow it. In the next place, he approved of some of the items, while he disapproved of others. For instance, since he had had the honour of a seat in that House, he had never voted the appropriation of the public money for the maintenance of the Roman Catholic religion in Ireland or elsewhere, and yet here he was called upon to vote 100*l.* for auditing the accounts of Maynooth College, and another large sum towards the support of the Roman Catholic clergy in Canada. Unless the hon. Member could give some satisfactory reason for including so great a variety of interests in the same category, he (Mr. Edwards) would decline voting altogether.

MR. CORNEWALL LEWIS said, that this vote arose out of the transference of the expenses of Maynooth College from the Annual Estimates to the Consolidated Fund. Formerly those expenses came annually under the revision of Parliament; but, in consequence of the change which took place a few years ago, it had become necessary that the accounts should be carefully audited.

MR. EVELYN DENISON said, that the hon. Gentleman (Mr. C. Lewis) had reminded the Committee of the testamentary direction of the late Queen Dowager, that her funeral should be conducted without ostentation and in a simple manner, in accordance with her character. Now, it did not appear to some Gentlemen that the expenditure which took place was quite in accordance with that direction. It was said that a very large sum, amounting, he believed, to about 1,000*l.*, had been paid in the shape of fees to the Dean and Chapter of Windsor. He wished to know if that was true?

MR. CORNEWALL LEWIS could not state how much had been paid to the Dean and Chapter of Windsor, but he believed that a considerable sum had been paid.

SIR BENJAMIN HALL said, in that case he should wish the Vote to be postponed till they had an accurate statement of the amount of the fee so paid. The Dean and Chapter of Windsor were about the richest ecclesiastical corporation in the country, and he could not understand why the public should be called upon to pay this sum for the interment of the late Queen Dowager. To any proper payment there could be no objection; but the payment of such a fee as 1,000*l.* for the deposit of a body in the Chapel Royal, and to a rich ecclesiastical chapter, performing few or no duties whatever in their ecclesiastical capacity, was one of the grossest cases ever brought before the notice of that House. He hoped the Vote would be postponed till they had some explanation. If it were not postponed, he should vote against it.

MR. SPOONER hoped some further explanation would be given respecting the sum said to be paid to the Dean and Chapter of Windsor for the funeral of the late Queen Dowager. Surely some of the Members of Government could explain it.

The CHANCELLOR OF THE EXCHEQUER could not state exactly what this sum was. It was paid by the Lord Chamberlain's department. He would state to-morrow on the Report what it was.

MR. MOWATT said, this charge in the public Votes was a flagrant violation of decency, considering the very large income of 100,000*l.* a year which her late Majesty had enjoyed, and that she had died in possession of very considerable property. The Dean and Chapter of Windsor, like all other chapters he was acquainted with, had seized on the opportunity of adding to their improper gains. On this ground the Vote ought to be postponed, that due inquiry might be made, and these corrupt bodies exposed, if necessary. Bearing in mind the prodigious revenues of the late Duke of Cambridge, and the ample amount settled on the present Duke, the Government ought not to have lent themselves to the outrage on public decency of saddling the expenses of the late Duke's interment on the country.

The Committee *divided*:—Ayes 43; Noes 69: Majority 26.

Original Question again proposed.

MR. CLEMENTS said, he must complain of the course pursued in fixing the annuities payable by the electoral divisions of each union in Ireland under the 13th and 14th Victoria, cap. 14. The Poor Law Commissioners had referred to each union to say how long a period it required to repay the annuity; and each union fixed of course as long a period as possible. But the right hon. Gentleman the Chancellor of the Exchequer had fixed some arbitrary rule of his own from which he refused to deviate, whatever the individual circumstances of the case might be. The result was that the whole matter was left in doubt and uncertainty—the consequence of its being in the hands of the Treasury instead of in the hands of the Poor Law Commissioners. He had applied to the Commissioners for information with respect to three unions in the county which he represented; but all he could learn was that the annuity was fixed at the maximum, and therefore no information was necessary. In respect to three other unions in the county of Donegal, in which he was interested, he found that the annuity was fixed at twenty, at thirty, and at forty years, and it turned out that the union which had suffered the most was that which had to pay in the least time. He had understood that the expenditure of 1849 was taken as the basis; but that was a most unfair test, as the potato crop was that year the best since the famine. If the years 1848 or 1850 had been taken, the expenditure would have been found to be such as to make the union of which he spoke entitled to have the payment extended to the longest period. He also complained that the right hon. Chancellor of the Exchequer should have taken his basis of calculation of the expenditure of the union from Schedule B, which was notoriously inaccurate. The right hon. Gentleman professed to regard local circumstances, and yet the actual levy was 9*s.* 7*d.* in the pound, instead of the 5*s.* 10*d.* put down in Schedule B. The right hon. Gentleman, in that particular instance, had certainly disregarded both the equity of the case, and local circumstances.

The CHANCELLOR OF THE EXCHEQUER could not plead guilty to the charges made against him. The provision of the law was that the payment should be made in twenty years; but that, in the case of the most distressed unions, it should be extended to forty years. The unions—not unnaturally, perhaps—wished that in any case the period should be forty years; but that he thought unfair, and would not accede to the suggestion. The reason the year 1849 was fixed upon as the test of expenditure was because it happened to be the year preceding that in which the Act passed. He could not be supposed to know the circumstances of all the unions in Ireland, and was compelled to act upon the report of the Poor Law Commissioners in respect to local circumstances. He stated distinctly that in every case which had been brought under his consideration, a longer period had been given in reference to the circumstances of each union.

Mr. CLEMENTS said, he was one of the guardians of the Milford Union, and he wrote to the Commissioners to ask what they were doing, and they refused to inform him, saying they were acting not for themselves, but for the Treasury. He then wrote to the Treasury, but they took care not to reply to him until he returned here. He pointed out to the right hon. Chancellor of the Exchequer that as regarded that union, his figures were wrong.

Sir PERCY NUGENT admitted that the right hon. Chancellor of the Exchequer was right in endeavouring to get back the money as quickly as possible; but he hoped that he would take the several cases into consideration, and have a revision, which would settle the matter more satisfactorily to the guardians.

Sir LUCIUS O'BRIEN said, the Committee was not at all aware of the burdens cast on some of these unions. In the Tullagh Union there was a charge of 2*s.* 10*d.* to meet these repayments, which would last for forty years, independent of the current expenses for the relief of the poor, which amounted in one electoral division to 15*s.* 10*d.* in the pound. The aggregate of the rate which had been levied in Ireland for the last two years amounted to 4,000,000*l.* In some other unions the rate amounted to as much as 15*s.* in the pound. He asked how it was possible for any people to contend against such a state of things?

Sir DENHAM NORREYS said, that if a rate of 15*s.* 10*d.* had been levied on any union in Ireland, the rate in aid must have been most unjustly and unfairly distributed. He hoped his right hon. Friend (Sir W. Somerville) would inquire into the facts alleged by the hon. Member for Clare.

Sir WILLIAM SOMERVILLE said, that he hoped the hon. Baronet would mention the name of the particular union in which the rate of 15*s.* had been levied, in order that he might ascertain whether the statement was correct.

Colonel SIBTHORP moved the reduction of the Vote by 1,065*l.* 17*s.*

Motion made, and Question put—

> "That a sum, not exceeding 48,934*l.* 0*s.* 3*d.* be granted to Her Majesty, to complete the sum necessary to defray the Charge of Civil Contingencies, to the 31st day of March, 1852."

The Committee *divided*:—Ayes 33; Noes 81; Majority 48.

Original Question put, and *agreed to.*

The following Votes were then *agreed to*:—

(22.) 469,829*l.*, Commissariat Department.

(23.) 44,613*l.*, Half-Pay Commissariat Department.

On the Vote of—

(24.) 809,496*l.*, Post Office Packet Service,

Sir De LACY EVANS said, he begged to draw the attention of the House to the proposed naval retirement scheme, as affecting naval officers of long and distinguished service, who may not have completed their six years' command at sea, through no fault of their own; and with a view of affording them the benefit of the equitable provision for the Army in reference to the required six years' field-officers' effective duty in that branch of Her Majesty's service. He urged upon the First Lord of the Admiralty the propriety of reconsidering his scheme, seeing the injustice which he proposed to commit upon officers of distinguished services.

Sir FRANCIS BARING did not wish to reopen the question to which the hon. and gallant Officer referred. He had been pressed on a former occasion to hold out expectations that it was his intention to reconsider the subject, but he held out no expectation of the kind. He had stated that the plan he had proposed, and indeed any other plan which was at all efficient, must be based upon the principle of removing certain officers from the active to the retired list. It was his object to remove the lower class of officers, the commanders, and lieutenants, but he could not fairly and justly do so without dealing in the same manner with the higher class of officers, who had strong and powerful interest both in that and the other House of Parliament. He thought, however, it was only a matter of justice that a plan which affected the prospects and feelings of the lower class of officers should apply also to those higher in rank. It must not be supposed that there was any injustice done to those officers. By the old practice, officers who received their flags rose upon the list till they obtained a certain amount of pay, but they were never employed upon active service. All he asked was, that they should rise in rank just as they did before, that they should receive exactly the same pay, and that they should be placed upon the reserved list, their services being called for only in cases of extreme necessity. He did not think this arrangement would subject them to any hardship or injustice. If the Committee should decide against him, he would bow to their decision; but he thought it would be most unfair to deal with the lower class of officers upon principles different from those on which they dealt with the higher class.

Mr. J. A. SMITH considered that it would be very unjust that an officer who had been unable to complete his full service in consequence of illness brought on by the discharge of his duties, should be deprived of the benefits of the naval retirement scheme: such exceptional cases deserved the attention of the Government.

Sir GEORGE PECHELL said, that in his opinion the motives of the right hon. Baronet (Sir F. Baring) had been greatly misconstrued; but in endeavouring to defend the right hon. Gentleman, he had, on several occasions, brought odium upon himself. He thought, however, that the plan of the right hon. Baronet would operate unjustly with regard to many officers who might have served double the time required in vessels of an inferior rate; as, for instance, brigs and corvettes. Why, when Sir John Ross returned from the North Pole, was he to be told that he was not fit to remain on the active list? He (Sir G. Pechell) maintained that there were many men upon the active list who were not so eligible for command as some of those who were placed on the retired list. He would ask whether there were not some officers on the active list, with regard to whom there was a regulation, or an understanding, that they should not have the opportunity of hoisting their flags?

Captain SCOBELL said, under the existing arrangement it was in the power of the Admiralty to keep an officer from advancing by not employing him. The First Lord had the power over the post captains of keeping them unemployed and waiting their turn, thereby heaping a stigma upon them. But the system extended to a lower grade. A commander, unless he had been two years afloat, could not be promoted. With the lieutenants it was just the same, and they must be afloat a certain period. He knew that the list of officers was a large one, and that all could not be employed; but what he wanted was to see fair play, and that interest should not prevail. Those lieutenants who had not served two years could not become commanders, and the effect of that was that more than half the lieutenants never got beyond that rank. There they stayed, there they lived, and there they died. But who had placed them on that list? After thirty-five years of peace the Government found themselves so overwhelmed with the number of officers, that they were obliged to have a reserved list, a retired list, and an active list. The injustice was not so much in giving away the public money as it was to the service. There were many reasons why the scheme should be reconsidered, and he hoped that the First Lord, to whom he gave credit for a wish to reform the abuses of the Admiralty, would be so good as to reconsider it. But he would advise the Committee to watch over the fair, just, and equitable interests of the officers of the Navy. They had seamen; but if they had not efficient officers to command them, they would rue the day.

Sir FRANCIS BARING said, that the hon. and gallant Officer had sketched exactly the picture which he (Sir F. Baring) wished to improve—the state of the Navy. There was a large list of captains who could not be employed; the same with commanders. The very evil was that you had a larger list than you could employ, and the reduction of the list was what he had in view. No system could be devised by which some gallant and efficient officers were not left unemployed. It was an evil which had been creeping on from day to day, and he had been most anxious to find a remedy for it. Notwithstanding all that had been said, he felt that the arrangement which had been made was one which would be not only beneficial to the service, but one which he had reason to believe was not disapproved of by some of our most efficient officers.

Lord NAAS wished to know why iron steamships were excluded from the contract packet service. In no science had there been so much improvement of late years as that of building iron steam vessels; and the persons connected with it declared that the superiority of iron over wood in the construction of large vessels was undoubted. One gentleman said that if there was a likelihood of these vessels being employed in the packet service, he could build one of 4,000 tons that should average a speed of eighteen miles an hour. Therefore it was a question for the Committee, whether the Admiralty were justified in the orders they had given upon the experiment being made, and whether they were justified in excluding those iron ships from the packet service? The practical effect of the Admiralty regulations was, that those who were inclined to build large vessels were deterred from doing so. He doubted whether the inaptitude of iron vessels in time of war was a sufficient justification for excluding them from the packet service.

Sir FRANCIS BARING said, he must refer the noble Lord to the evidence that had been taken before the Committee, where it had been arranged that the vessels by which the packet service should be performed should be fitted for war. Those were the terms of the contract; and it had unfortunately turned out, upon experiments which had been instituted at Portsmouth by the Government, that an iron ship was not a good war vessel; and, in short, that so far as present experience went, it was utterly unfit for warlike purposes. Under these circumstances, the Government, in carrying out the plan according to the intentions of Parliament, had excluded iron vessels from the contract service. If the noble Lord could prove by experiment that iron ships were available as war ships, then he would render more services than one. After more experience it might not prove impossible to make them available, and iron had been proved to be the cheapest material; but, under present circumstances, it could not be done.

Sir THOMAS ACLAND begged to draw attention to the propriety of establishing a line of packets along the western coast of Africa down to Fernando Po—a subject, he could assure the Committee, of great interest to many persons. No measure could more tend to elevate that extensive line of country from its present condition of barbarism. He also wished to know if any new arrangements had been made with the American or Peninsular and Oriental Companies to prevent them from being called upon by the Government to touch at, or depart from, any port that might be thought proper? He thought Plymouth or Falmouth would be better than Southampton. Since Southampton was selected as the point of departure, a great change had been made in the facilities for communication by railway with the western ports.

Sir FRANCIS BARING said, there was nothing in the contract to prevent a change in the port of departure and arrival, on payment of fair compensation to the contracting companies.

Mr. HENLEY said, that upwards of 800,000*l.* was voted for the packet service. He hoped that the Government would not lose sight of the recommendations of the Committee which sat on this subject, and would give notice when the time for renewing these contracts arrived, in order that the country might derive as much advantage as possible from public competition.

Sir FRANCIS BARING said, that the recommendations of the Committee had been considered, and a fair opportunity would be given for public competition when the time for renewing the contracts arrived.

Mr. SCULLY said, he must complain of the very inadequate and defective provision that was made by the Post Office authorities for the conveyance of letters by cross posts from one town to another in the south of Ireland, It often happened that letters which had only to be conveyed some twelve or fourteen miles, were delayed some days on the road.

The CHANCELLOR of the EXCHEQUER would promise that the matter should engage his serious attention. He would inquire into it, and see whether it might not be possible to adopt effective measures for the redress of any such grievance as that alluded to by the hon. Member.

Mr. REYNOLDS said, that nothing could be more absurd than some of the Post Office regulations in Ireland. A letter from Mullinshone to Clonmel, twelve miles distant, was sent round by Dublin, and had to travel 200 miles before it was delivered. The mail bags, instead of being conveyed by rail, were often carried by a pedestrian postman, or else in a jingle, which travelled only at the rate of four miles an hour.

Mr. CLEMENTS complained that the steam packets plying between Holyhead and Kingstown travelled at too slow a pace. They could make the passage much more rapidly, being good boats, were it not that they were prevented from so doing by the terms of the contract between the Admiralty and the company. The contract was given at so very low a rate that the company had to travel slowly in order to save fuel and spare the machinery.

Mr. COWPER said, that the boats travelled at a rate sufficiently rapid for the requirements of the public service. They maintained a good uniform pace, and delivered the mails according to the time required by the conditions of the contract. He had not heard that the Post Office authorities had to complain of delays or want of punctuality.

Vote *agreed to;* as were also the following Votes:—

(25.) 103,700*l.* Disembodied Militia.

(26.) 500,000*l.* to discharge the like amount of Supplies.

House resumed. Resolutions to be reported *To-morrow.*

The House adjourned at Two o'clock.

HOUSE OF COMMONS,

Saturday, July 19, 1851.

MINUTES.] PUBLIC BILLS.—1° Soap Duty Allowances; General Board of Health (No. 3); Militia Pay.

2° Conveyance of Mails by Railway.

SUPPLY—FUNERAL OF THE QUEEN DOWAGER.

On bringing up the Report of the Committee of Supply,

SIR BENJAMIN HALL begged to remind the right hon. Gentleman the Chancellor of the Exchequer, that he had promised to inquire into the amount of the fee paid for opening the vault of the Chapel Royal, Windsor, for the interment of her late Majesty the Queen Dowager.

The CHANCELLOR OF THE EXCHEQUER said, he had not replied to the questions put to him on the previous night by the hon. Member for Malton (Mr. E. Denison), because he did not think himself at liberty to make statements without being satisfied of their accuracy. He had since then made inquiries, and the fact turned out to be as he had suspected, namely, that, instead of the fee being 1,000*l.*, its actual amount was only 220*l.*

SIR BENJAMIN HALL thought it did not matter whether it was 1,000*l.* or 220*l.* Whatever its amount, it was a most disgraceful charge. The Government might depend upon it that these exposures of ecclesiastical peculations would do more than anything to injure the Church in this country. It was time the Government interfered, and put a stop to this system of extortion. Let him tell the House what were the facts. The Chapter was originally established as a part of the most noble Order of the Garter; and comprised a dean and fifteen canons, afterwards reduced to twelve. In 1840 it was determined that in future there should only be four paid canons, and four without pay—taking care, of course, of the vested interests—and the establishment at present consisted of the dean, seven paid canons, and one unpaid canon. Now, when the question was, whether a fee should be extorted at all for the funeral of the Queen Dowager, the House ought to have some idea of the property they held, and he would take it from their own returns. In 1838, a Committee was appointed, called the Church Leases Committee, of which the right hon. Member for Northampton (Mr. V. Smith) was Chairman, and its object was to endeavour to ascertain the value of ecclesiastical property, as well as the manner in which it was leased, and to recommend some remedy for the evils complained of. Letters were sent to the bishops, the deans and chapters, the chapter clerks, and all the proper officers; but would it be believed that the bishops, and the chapter clerks, following the example of their bishops, refused in many instances to give any information whatever? The letters which came from the bishops and chapter clerks were of so extraordinary a character, that the right hon. Member for the University of Cambridge (Mr. Goulburn), whom he (Sir B. Hall) looked upon as the paid representative of the Archbishop of Canterbury in that House, moved a Resolution to the effect that they should not be published, and it was only by the casting vote of the Chairman that they were given to the world. Some of the bishops denied the authority of Parliament, and some of them even refused to give any answer at all. By perseverance, however, they had obtained a good many valuable returns—valuable so far, at least, as they showed to some extent, the amount of the Church property. When, therefore, the dean and canons of Windsor demanded from the public a fee of 220*l.* for allowing the last remains of the Queen Dowager to be placed in the vault of St. George's Chapel, it should be known that the annual value of their estates was 53,315*l.* If any Gentleman doubted the accuracy of this statement, he would refer him to page 584 of the appendix of the Committee's report. Their gross income was returned at 22,475*l.* in the Sessional Paper of 1847; but the management of their property was so bad as to show an annual loss to the Church of 30,840*l.* in consequence of taking fines on leases. This was really then one of the grossest cases of ecclesiastical corruption ever brought before the public. It might be said, "Don't show up individual cases;" but it was necessary to do so in order to expose these disgraceful practices. He found, then, that the Dean of Windsor was the Hon. and Rev. George Neville Grenville with a salary of 1,200*l.* He was also chaplain to Her Majesty; Master of Magdalen College, Cambridge; and Registrar of the Order of the Garter. The canons were the Hon. and Rev. H. C. Cust, with a salary of about 1,200*l.*, Rural Dean, Rector of Cockayne, Hatley (value, according to the *Clergy List*, 151*l.* a year), Rector of Sywell, Northamptonshire (value 492*l.*), and Rector of Scott Willoughby (125*l.*); Rev. Charles Proby, a paid canon, Vicar of Twickenham (717*l.*, to which he presented himself as a member of the chapter), and Vicar of Bishops Tuckbrook (295*l.*); the Rev. Dr. Keate, a paid canon; the Rev. David Markham, a paid canon, Rural Dean and Rector of Great Horkesley, Essex (669*l.*); the Rev. William Canning, paid canon; the Hon. and Rev. Edward Moore, paid canon, and Rector of West Ilsley, Berkshire (557*l.*), to which he had presented himself; Lord Wriothesley Russell, Canon of Windsor, Rector of Chenies (388*l.*), and Deputy Clerk of the Closet to the Queen; the Rev. Frederick Anson, Canon of Windsor, Rural Dean, Rector of Sudbury, Derbyshire (747*l.*) How was it possible that the Church Establishment could be maintained if such charges were to be constantly made? It was quite evident that these parties could not discharge the duties of their offices. How could a canon reside in his canonry and perform the functions required by three separate cures? It was an abomination under which no Church could exist. But what were the circumstances of this case? Why here was an Illustrious Personage, remarkable for the excellence of her conduct, admirable in every relation of life, exemplary for her charities—which these men were often employed to dispense—and for her hospitality, of which they were often partakers, and yet no sooner was she taken from among us than they sent to the Treasury and demanded 220*l.* for suffering her to be interred. How could these things, he repeated, go on? They had had a discussion on the 1st of July, and the exposures which were then made would not fail to be freshened and revived by the matter the House was now debating. When this went forth to the country it could not fail to increase the impression that we must have a reform in the temporalities and discipline of the Church. As he had said the other night, quoting Dr. Arnold, he had no fear with regard to the faith of their Church; but what they had to fear for was its discipline, and the mismanagement of its affairs. There had just come out in one of the most amusing and clever publications of the day a sketch of three bishops, admirably representing the Bishops of London, Oxford, and Rochester, frightened at the ghost of his hon. Friend the Member for Cockermouth (Mr. Horsman), and bolting off as fast as they could with the spoil they had secured, while on one of the bags carried by the Bishop of London was the significant sum of 30,000*l.*, the income which that gentleman took from the property of the Church. When the public read on Monday in the public journals that the Dean and Canons of Windsor had property to the amount of 53,315*l.* a year, and yet sent to the Chancellor of the Exchequer, who had quite enough to do with his money, and wished to take from the people of this country a paltry 220*l.* before they would allow the Queen Dowager to be buried, there would be a general cry from one end of the Kingdom to the other that we must have reform in every part of the Establishment. He repeated that it was a disgrace to the dean and chapter to make—and to the Government for sanctioning this demand; and he begged to give notice that he should on Monday move for returns of the sums paid to the dean and chapter since 1817 on the occasion of the burials of members of the Royal Family. He did not propose to rescind the Vote to which he had drawn the attention of the House. The sum had been paid, and with all his ingenuity the right hon. Chancellor of the Exchequer would not be able to get it back from an ecclesiastical corporation.

The CHANCELLOR OF THE EXCHEQUER said, he was little prepared for this discussion, which he did not think had been introduced in a very creditable manner. Last night the sum was stated by the hon. Baronet to be 1,000*l.*, and now it turned out to be only 220*l.* He hoped that the answer he had given to the hon. Baronet would operate as a warning to hon. Members, and deter them from making statements in that House for which there was not sufficient authority. The fee paid for the interment of the late Queen Dowager, was the customary fee for ceremonies of that nature. In all cases fees were charged for opening a vault; and he must say that, considering the sums which he had known to be paid to clergymen on the burial of persons of high rank, this charge did not appear to him to be very extraordinary.

MR. GLADSTONE thought, that if the hon. Member for Marylebone (Sir B. Hall) was anxious to do justice, he could not limit the returns to the period since 1817. It might be very convenient to him to keep out of view the fact that these fees had existed from time immemorial; but that was really a most important element in the case, and he hoped the hon. Baronet would make his return extend to the earliest date to which reference could be made.

SIR BENJAMIN HALL said, he would extend it to the commencement of the present century.

MR. GLADSTONE said, it was to be regretted that the hon. Baronet had not been so accurate in his statement as he might have been. He had said that the Chapters had denied the right of Parliament to inquire into their revenues. [Sir B. HALL said, that the Bishop of Exeter had done so.] What he (Mr. Gladstone) was cognisant of, was, that instead of the Chapters denying the authority of Parliament, it was the Bishop of Exeter denying the right of a Committee of this House. The Chapters had not denied the right of Parliament but of the Crown to inquire. He knew that the hon. Baronet thought little of a constitutional point; but if he was a lover of freedom, as he said he was, he would have some regard for the privileges of Corporations. The hon. Baronet knew little of the history of England if he did not recognise the important services which Corporations had rendered to the cause of liberty. The hon. Baronet saw a dean who was "honourable" as well as "reverend," and had two or three livings, and he thought at once that he had got a case; but the fact was, that the dean had no cure of souls whatever. He formerly indeed had a cure; but, from a high sense of duty, he had resigned it on his appointment to the deanery. The hon. Baronet seemed to think the registrarship of the Order of the Garter was an office of such enormous weight and responsibility as to make it impossible for the rev. gentleman to be that as well as the Dean of Windsor and Master of Magdalen. It might be, indeed, questioned whether the two latter offices ought to be held by one person; but the late Sir Robert Peel, than whom no man was more pure or strict in his administration of Church patronage, had conferred the deanery of Wells on the Master of Balliol. He believed, that most of the Chapter of Windsor had incomes limited by Parliament, and therefore he did not understand what personal interest they could have in the fees. It was the duty of the hon. Baronet when he made charges—especially charges which he had preferred with a great deal of declamation—to satisfy himself that they had some foundation, and not to wait for their denial in that House to discover that they were not justified by the facts. He would take that opportunity of making a few remarks on a subject of which he had given notice, and his observations should be very brief, as he did not at present contemplate any practical measure. The House would recollect that last Session, during a discussion upon the Australian Colonies Bill, he thought it his duty to call attention to the condition of the Colonial Church; and he had no doubt that now, on resuming the subject, he should have the friendly consideration of the hon. Baronet (Sir B. Hall). If the case of the English bishops had given the hon. Baronet pain, that of the colonial bishops would assuredly afford him very sincere gratification; because he found that the Bishop of Sydney, out of an income of 2,000*l*. a year, had deliberately sacrificed the sum of 1,000*l*. a year for the purpose of increasing the episcopal body in New South Wales. He hoped the hon. Baronet was not so narrow-minded as to take a pleasure only in finding fault. He would grant that this gentleman was a bishop, and he knew that that was a grave offence; but still he had been consecrated, and could not help it now. Considering then that it was unusual to find persons in office giving up so large a portion of their income, he hoped the hon. Baronet would admit that all bishops were not reduced to the lowest depth of moral degradation. The bishops and clergy in the Colonies, however, were in a condition of considerable difficulty with regard to other matters. They found, in so far as the law was concerned, a community almost entirely separate from the Church of England. That was to say, that the Eeclesisastical Law of this country partly extended to the Colonies, and partly did not; and as it was impossible to say which portions of the law were applicable to the Colonial Churches, they were placed in a most embarrassing position, because they had neither the authority of an establishment, nor the freedom of a voluntary religion, to form regulations by the common consent of their members for their own government. The effect of this state of legal doubt was to bring about a position of practical disability. The claim of justice in this matter was plain, and it appeared to him to be very desirable that the House should deal with the case. These bishops were completely severed and cut off from the temporal advantages which the Church Establishment at home enjoyed. A system of perfect religious equality prevailed in New South Wales and all the Australian Colonies, and he contended that the House should proceed to define the position of these bishops, clergy, and laity in communion with the Church of England, not by giving them any of the *status* of an establishment, but by so emancipating them from the trammels of the law in this country as to give them the freedom that was enjoyed by other communities of Christians. During the last Session the House had not shown a disposition to take any step with reference to the Australian Colonies in particular; but in the interval between the two Sessions, remarkable circumstances had occurred in distant colonies to show the necessity for the interference of the House in this matter. In Australia, owing to the urgent want of rules of practical discipline, the bishops of the various dioceses who met together in Sydney in October last had found that they were not in a condition in which it would be safe for them to attempt any mode of proceeding to form rules for the government of their own religious community. They had accordingly agreed that their meeting should be regarded in the light of a private conference, and that it should not pretend to any authority whatever. They were in this position, that they could not assemble the clergy or laity from their different dioceses, and could form no valid system of regulations to govern their churches, because they did not know whether they would not be liable to a penalty under an Act of Parliament in this country for assembling synods or convocations without the consent of the Crown. In the other end of the world, also, difficulties of an analogous character had arisen. The Bishop of Toronto, acting upon his own judgment, and taking a different view of the risk, had summoned his clergy, as well as representatives chosen by the lay communicants throughout his diocese, to meet him and deliberate upon their affairs. That assembly had presented an address to the Crown, which he was quite sure the Government would think was entitled to its favourable consideration, and in which they set forth the amazing difficulties with which they had to contend, owing to that state of forced legal anarchy in which they were placed. They asked for a synod or convocation, to be composed of both clergy and laity; but with that request, he thought, it was not in the power of Her Majesty simply to comply, because it would impart to the Church a legal authority, or at least a quasi-legal authority; and it would be most injurious to the social condition of the Colony, and to the Church itself, for them to attempt to alter its position as regarded their relations with other religious bodies. The remedy for this state of things would be simply a declaration of the Legislature that they would leave the Colonial Church free to exercise its powers for the control of its own affairs, like the members of other religious denominations. The accounts of both synods had reached England too late to frame any measure upon them, and he did not therefore intend to move any resolution, but merely to express his hope that the Government would take up the question during the next Session. If the Government would not take it in hand, and no more competent person in this or the other House would do so, he intended himself to propose to Parliament at the outset of the next Session the enactment of some enabling Bill which should give to the bishops, clergy, and laity of the Church of England in our colonial possessions that freedom (subject to reservations, if they thought fit), for the practical purposes of securing discipline among themselves, which every other religious communion enjoyed, and to which they were fairly entitled after having been deprived of all the advantages of the Establishment—advantages, however, which he had no wish now to confer upon them, and which they had no disposition to claim for themselves.

SIR DE LACY EVANS said, it was very gratifying to hear of the generous conduct of the Bishop of Sidney; but he could not go along with the right hon. Gentleman in the exulting tone in which he had spoken of episcopacy in the colonies. The reduction in the number of bishops in Ireland was a most important measure; but it had been followed up the increase of those in the colonies, and now there was not a rock on which the English flag had been planted which had not its bishop. It was vain to deny that they had been appointed at the expense of the country, for he would venture to say that "in meal or in malt," in one way or another, they received the public money. Nor was this all. They were not content with bishops, for he dared say that before long they would have an archbishop in Australia. He was not much versed in synodical action, but he had a sort of idea that it was something that was not for the benefit of the community. At all events, that was the result of his impression from the proceedings of the Synod of Thurles. But they were not content with making them bishops: they must each be my lord bishop, and then they had complaints because the Roman Catholic bishops of the Colonies were also called "my lord." He hoped that such nonsense would be discountenanced. It was quite enough to have bishops, without calling them lords; and, for that matter, our Colonies in the United States were quite as religious as any other, and he believed they never had bishops. With respect to the item objected to by the hon. Baronet (Sir B. Hall), he had only to say that the right hon. Gentleman who represented the great monastery of England was not himself prepared to state who received the fees in question, and therefore he ought not to taunt the hon. Baronet with similar ignorance. But the right hon. Chancellor of the Exchequer had stated the other night that the dean and canons did receive the fees. This was a right royal illustration of the general corruption of the Church. A Roman Catholic constituent of his, who was lamenting to him that the Papal Bill had been brought forward, said he regretted still more that the conduct of the leaders of his sect had rendered it necessary; but he added that he thought the Church of England was sinking from the same causes as had led to the overthrow of his own Church at the Reformation, namely, it was sinking under the weight of its own corruptions. In fact, if the exertions of the hon. Member for Cockermouth (Mr. Horsman) and those of the hon. Member for Marylebone (Sir B. Hall), did not prevent it, he much feared that some catastrophe most fatal to the Church Establishment in this country would soon take place. The question which they were discussing was a much larger one than at first sight seemed, for the Interment Bill had not been carried into effect, and the evils of intramural interment were still perpetuated from exactly the same cause, namely, because an arrangement had not yet been made with the London clergy respecting fees.

Colonel SIBTHORP was a sincere friend to the Established Church, and had always regarded with admiration the character of the late Queen Dowager; but he confessed that his indignation knew no bounds when he found that a fee was exacted by the dignitaries of the Church for consigning to the tomb the remains of so good and so illustrious a lady. The Dean and Chapter of Windsor ought to have considered themselves honoured that their chapel had been selected as the last resting place of so excellent a person; and it was monstrous that they should have thought of extorting any fee whatever. This matter, however, showed the absurdity of voting money on account, for, as the hon. Baronet (Sir B. Hall) had said, it was paid and could not be obtained back. He thought, however, that the right hon. Chancellor of the Exchequer, whose coffers had of course been filled by free trade, should pay this item himself. It might make him more cautious in future.

Mr. W. WILLIAMS said, the right hon. Member for the University of Oxford (Mr. Gladstone) had acted with his usual adroitness in turning the discussion from the question before the House to the state of the Colonial Church, but he did not think that he had much mended the matter. When they complained of the enormous revenues of English dignitaries, the right hon. Gentleman told them of a colonial bishop that was contented with 2,000*l.* a year—just as much as five French bishops received.

Mr. GLADSTONE: It is not so. I said that the Bishop of Sidney who had 2,000*l.* gave up 1,000*l.* for the benefit of the Established Church in New South Wales.

Mr. W. WILLIAMS: Then the right hon. Gentleman questioned whether the dean and chapter actually received these fees; but the right hon. Chancellor of the Exchequer had stated so last night.

The CHANCELLOR of the EXCHEQUER: I beg to state that I said no such thing.

Mr. W. WILLIAMS considered that it was quite disgraceful to the Chancellor of the Exchequer to defend such a payment as 220*l.* for burial fees for the late Queen Dowager out of the taxes of the country. He really considered that the right hon. Gentleman was not worthy to be entrusted with the disposal of the vast revenues of this country. As for what the right hon. Gentleman (Mr. Gladstone) had said respecting their obligations to Ecclesiastical Corporations for their exertions in the cause of liberty, he wished he would point out one since the establishment of the Protestant Church. It was true that there was Archbishop Langton some six or seven hundred years ago—[Mr. GLADSTONE: Archbishop Sancroft.] Well, at all events, that was only one instance. By the right hon. Gentleman's admission, the number was very small. As a member of the Church of England, and wishing to see it prosper, he (Mr. W. Williams) hoped that a reformation of its temporal concerns might take place at no distant time.

MR. CHRISTOPHER said, the hon. Baronet (Sir B. Hall) had spoken of rural deaneries as if they were valuable pieces of preferment, whereas he ought to have known that clergymen filling those offices received no pay for their services whatever. The Rev. Mr. Cust had been represented as a great pluralist, but the living of Scott Willoughby was one of very trifling amount, and the parish only contained ten inhabitants. The whole parish belonged to Mr. Cust's brother, Earl Brownlow, who had presented the hon. and rev. gentleman to it in order that he might restore the church at his own expense. If, then, the other cases were like this, the statements of the hon. Baronet would go for very little. The hon. and gallant Gentleman opposite (Sir De Lacy Evans) seemed to expect much good from the exertions of the hon. Member for Cockermouth (Mr. Horsman). That hon. Gentleman had held up the conduct of a clergyman belonging to the county of Lincoln, whom he had accused of riding about the country for the purpose of bringing a curate to perform the duty which he ought to have done himself. He (Mr. Christopher) had made inquiries into that case also; and he found that the rev. gentleman alluded to had lost his curate on a Friday, and not wishing that the church should be closed on the following Sunday, and being unable to perform the duty himself, he had been obliged to send to a considerable distance to procure assistance. He protested against the hon. Gentleman's practice of bringing forward cases which were trumped up in a most unwarrantable manner, and which, on inquiry, vanished into nothing.

COLONEL SALWEY said, that the whole of the property of the Windsor Chapter belonged to the Military Knights, and was placed by Queen Elizabeth in the hands of the dean and canons in trust for the use of those knights. It was notorious that on the death of the Princess Charlotte great disputes arose between the Prince Regent and the Dean and Canons of Windsor on the subject of the interment of the Princess. It was even said that the Prince Regent had sent to the dean and chapter for the key of the royal vault. The Prince Regent had a perfect right to do that, for it was a royal chapel and the property of the Crown. The dean and chapter had no right whatever to the property. It belonged to the order of which they were merely the priests. In former times they had to say a certain number of masses, but now they had to say a certain number of prayers; but they had nothing whatever to do with the property, nor were they entitled to demand any fee on the interment of a member of the Royal Family. He used to wonder how they had become possessed of their great wealth; but having taken some pains to ascertain, he had found that it was derived from the residue of the charitable trusts of the order. If the hon. Member for Lambeth divided the House, he (Colonel Salwey) should go into the lobby with him.

MR. REYNOLDS said, he would deny that the old Catholic Church of this country had fallen under the weight of its own corruptions. It had certainly been assailed by the weapons of corruption, but it was so assailed from without. He must say that this discussion was exceedingly gratifying to him as a Roman Catholic, because he thought it must satisfy everybody that before they were justified in attacking the Pope and Cardinal Wiseman, in all the moods and tenses they had done, they ought to have set their own house in order first. He very much regretted, he must say, that the right hon. and learned Gentleman the Attorney General for Ireland, who was also Member for Windsor, was not there to defend his constituents, and to protect the rights of the Dean and Chapter—rights which he, from his position, must be better acquainted with than any other Member whatsoever. He believed that the hon. Baronet (Sir B. Hall) deserved the gratitude of the community for his zealous exertions to expose the abuses of the Established Church; and though the hon. Baronet pursued, with regard to Ireland, a course which did not make good his claim to the appellation of Conciliation Hall, he (Mr. Reynolds) nevertheless offered him his thanks for his very meritorious conduct with respect to ecclesiastical matters. He hoped that the hon. Baronet would exert himself on behalf of the Catholics and Dissenters, and save them from the injustice and ignominy of contributing to the support of the bishops of a Church in which they did not believe. He (Mr. Reynolds) would only add that he was a sincere advocate of the voluntary principle, for, not to speak it irreverently, he thought it only fair that those who danced ought to pay the piper.

Mr. HAWES said, in reference to the speech of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), he should be sorry that any statement coming from that right hon. Gentleman, with reference to so important a subject as the colonial bishoprics, should be supposed to be treated with indifference by the Colonial Office. However, as the right hon. Gentleman had pointed out the course which he intended to pursue upon this subject next Session, it was simply his (Mr. Hawes's) duty to state that there was no present intention on the part of the Government to introduce any measure for regulating the affairs of the Church of England in the colonies.

Sir De LACY EVANS would remind the House that upon the discussion which had taken place some time since upon the subject of the naval retired list, allusions had been made by himself, which had been replied to by the right hon. Gentleman the First Lord of the Admiralty, with reference to a gallant officer, Sir George Westphal. What he (Sir De Lacy Evans) had stated was, that Sir George Westphal had made application to the late Lord Auckland to be employed, but that he had been unable to obtain a ship. The right hon. Gentleman, on the contrary, had stated his belief that Sir George Westphal could not have been very anxious to obtain employment, because, had he been so, his friendship with Sir George Cockburn would most probably have secured him one. This statement had wounded the feelings of that gallant officer, and he was now requested by him to read to the House a communication which had just passed between the gallant admiral alluded to and Sir George Westphal. That communication was as follows:—

"6, Clifford-street, July 17.

"Dear Westphal—In consequence of my having seen in the newspapers what passed in the House of Commons respecting you some evenings ago, I consider it to be due to you to state that you quitted your station as captain of my flagship on the North American and West India stations, owing to your extremely dangerous state of health, from fever contracted by your professional exertions in the West Indian climate, which, I assure you, caused me at the time very great regret, as I cannot hesitate to say I considered, and still consider, you to be one of the most able and efficient officers of your rank in our naval service; and, as you were fully aware of my intention (if circumstances had caused me again to hoist my flag) to have applied for you as my captain, I cannot but fear this consideration may have, in some degree, prevented your pressing for employment, as you might otherwise have done. I will still hope, however, that your gallant war services, and wounds received by you in battles with our enemies afloat and ashore, may procure for you yet such further command as may prevent our country losing the benefit of your services in the higher ranks of the profession, while you possess such health and strength as you happily now do. Believe me, my dear Westphal, always faithfully and truly yours, "G. Cockburn.

"Captain Sir George Westphal, R.N."

Sir FRANCIS BARING could assure the hon. and gallant Gentleman that he had strangely misconceived what he had stated on this subject in a previous debate, if he supposed that he had intended to utter one single word to the disparagement of Sir George Westphal or any other officer. He was fully sensible of the distinguished merits of Sir George Westphal, and being aware that Sir George Cockburn entertained the highest opinion of him, he had said, what he now was willing to repeat, that if Sir George Westphal had made an earnest application on the subject to the Admiralty, nothing could have been more probable than that he would have been employed in active service. There was nothing in Sir George Cockburn's letter, as read by the hon. and gallant Member, to contradict the statement which he (Sir F. Baring) had made a few evenings since, and which he still adhered to, namely, that there was no reason to believe that for some time past any application had been made by Sir George Westphal for employment in active service.

Sir De LACY EVANS: I assure the right hon. Baronet that he is in error. Sir George Westphal made repeated applications to the Admiralty in Lord Auckland's time.

Sir GEORGE PECHELL said, he entirely concurred in everything that had been said in commendation of Sir George Westphal by the hon. and gallant Member for Westminster, and agreed with him in thinking that it was to be regretted that the country should be deprived of the active services of such a meritorious officer.

Admiral DUNDAS said, he had known

Sir George Westphal for many years, and could bear testimony to the value of that officer. The fact of the case was this, however—Sir George Westphal had been but three years and one month at sea as a post captain, and he required, therefore, two years and eleven months to complete his time. He had not applied for general service at the Admiralty; but he believed that in 1836 or 1837, when there was a prospect of a war with America, he did write for a command, as he knew the coast; but since then there had been no application on the part of Sir George Westphal.

SIR DE LACY EVANS: I beg leave to deny that statement most distinctly.

ADMIRAL DUNDAS: I wish to know whether such language is to be used in this House? If the hon. and gallant Member be in order here in using such language, I beg to say I shall not consider him so out of doors.

MR. SPEAKER: Order, order! The hon. and gallant Member for Westminster having said something offensive to the hon. and gallant Member for Greenwich, will, I am sure, see the propriety of retracting the offensive expression.

SIR DE LACY EVANS: If I have unguardedly uttered an offensive expression, I, of course, can have no hesitation in withdrawing it; but indeed, Sir, I submit that I have not given just cause for offence to any one. On the contrary, I feel that I am the aggrieved party. I made a statement, and the hon. and gallant Member for Greenwich peremptorily contradicted it. I asserted that Sir George Westphal had applied for service to the Admiralty in Lord Auckland's time, and the gallant Admiral denied the statement.

ADMIRAL DUNDAS: I said nothing about Lord Auckland—I have nothing to do with Lord Auckland. I said, and I say now, that since the period I have mentioned there is no record at the Admiralty of Sir George Westphal having applied for active service. I really do not understand such conduct.

MR. SPEAKER trusted that the hon. and gallant Member for Westminster would not hesitate to express his regret for any expression of his that might have given offence to any other hon. Member.

SIR DE LACY EVANS: I have said that Sir George Westphal applied for active service in the time of Lord Auckland, and I really cannot withdraw that statement, for I have the authority of Sir George Westphal himself for it. I must say I do not think that this language on the part of the gallant Admiral is at all called for. I cannot see the least reason for all this warmth, and I beg to say that I am at his service if he pleases. [*Loud cries of* "Order!"]

MR. SPEAKER: I must again call on the hon. and gallant Member for Westminster for a retractation. He has allowed an expression to escape from him which has given offence, and he surely must himself perceive the necessity of withdrawing it.

SIR DE LACY EVANS: Well, Sir, I, of course, bow to your authority, and withdraw any expression that may have given offence to anybody.

ADMIRAL DUNDAS: Well, then, I am satisfied.

First twenty Resolutions read a second time, and *agreed to.*

Twenty-first Resolution read a second time.

MR. W. WILLIAMS moved, that the Vote for Civil Contingencies be reduced by 220*l.*, the amount of the fee to which the Dean and Chapter of Windsor claimed to be entitled for opening the vault of St. George's Chapel to admit the remains of the late Queen Dowager.

Amendment proposed to be made thereunto, by leaving out "50,000*l.*," and inserting "49,780*l.*" instead thereof.

Question put, "That 50,000*l.* stand part of the Resolution."

The House *divided*:—Ayes 37; Noes 29; Majority 8.

Resolution *agreed to.*

SIR GEORGE PECHELL said, he wished to call the attention of the House to the case of certain surviving officers, seamen, and marines, who had been present in a successful action which took place in October, 1804, under a squadron commanded by Captain Graham Moore, when certain Spanish frigates were captured, and others sunk. The case had received the special approbation of the Admiralty, but their claims for naval medals had been rejected. He had now to urge that medals should be granted for that engagement.

SIR FRANCIS BARING said, that, in awarding these naval medals, the Government had acted upon the recommendation of a committee of naval and military officers. In the instructions given to that committee, there was nothing which would have precluded them from awarding medals in this particular case, had they thought it desirable; and they had certainly not been niggardly in their recommendation of medals, for 19,500 medals had been distributed. The Committee were fully sensible that the conduct of those who took part in the action was highly meritorious, yet they were not of opinion that the engagement was of sufficient importance to justify a medal. This particular action was commenced before the war had been actually declared, and there were other peculiar circmstances connected with it; but the principle on which he now refused to reopen the matter was, that, having been fairly and fully inquired into by a Committee of officers, he did not think it desirable for the House to interfere with such awards.

Captain SCOBELL said, he must complain that the principle on which medals were granted was very faulty. By that system a midshipman, a midshipman's boy, or a purser's steward (the last of whom would be in the cockpit and know nothing about the battle), would, if in a particular action, go about decorated, while the most meritorious officers and men, though they had served during the whole French war, received no medal. To take a case. Just before the great battle of Trafalgar, Sir John Louis was detached on an expedition with five sail of the line. He went much against his will, and having used all speed, returned just after the engagement. The consequence was, that though it was by his means the prizes were saved, Sir John Louis himself did not obtain a medal for Trafalgar. To take another case: an officer who had destroyed, at different times, a hundred French vessels in the Mediterranean, had taken several batteries, and had been at the end of his extraordinary exploits promoted, did not receive the medal. The number who had not received medals was so small, that he thought the Government might very properly award them medals if they found on inquiry that the services in which they had been engaged entitled them to such honorary distinction. He saw no remedy but the grant of a war medal for all the survivors of the war, following the precedent established by the distribution of medals to the survivors of the glorious struggle in the Peninsula.

Colonel CHATTERTON said: I would not intrude any remark upon the House upon this subject, did I not fear my silence may be construed into a supposition that the Navy alone had any cause of complaint regarding the distribution of these medals; but I assure the House the Army are not without their grievances upon this matter. Although we are all compelled to be satisfied with the decisions of those gallant officers who form the Committee, still the general opinion is, that many most deserving officers are victims of the rules which this Committee have laid down. Amongst the numerous complaints which have come to my knowledge, I shall only instance one, that of a gallant cavalry officer, whose unlucky fate it was to be severely wounded a day before each of three of the chief Peninsular actions—I think Busaco, Talavera, and Salamanca—so as to be unable to join his regiment in those actions, consequently, not being present at any of them, he has received no medal. Now, Sir, from the severity of those wounds the health of my gallant friend has greatly suffered, and he is obliged to be almost cased in steel to enable him to move about. This, Sir, I think, is a case of real hardship; but still the Committee adhere to their rule, and will not listen to any representation upon the peculiarly and deserving case of my gallant Friend.

Sir HENRY WILLOUGHBY said, he was anxious to call the attention of the House to a question of constitutional principle. During the last few years Votes had been taken of above 1,000,000*l.* for money paid in excess on the naval expenditure—that was, of money paid over and above the Parliamentary grant. There was no such Vote this year; but the House would make a mistake if they supposed that no excess of expenditure had occurred during the year 1849–50. The fact was that above 100,000*l.* had been so paid, chiefly in branches Nos. 5, 13, and 14; but under the Appropriation Act the Treasury was enabled to appropriate any surplus on any other branch to such expenditure. In 1842-50 supplies to the amount of nearly 500,000*l.* over and above what was required had been voted, the sum voted having been 7,021,742*l.*, and the sum actually expended 6,609,052*l.*, so that the sum of 100,000*l.* which was in excess had been paid out of that surplus without any Vote of the House, and unaccompanied by any checks whatever. It did not say much for the vigilance of the House, that they should have granted 500,000*l.* more than was required; but he was quite willing to admit that those intrusted with the administration of the naval department were entitled to the thanks of the country for not having expended the money after they had obtained it. But, as by such a mode money could be spent without any control being exercised by the House of Commons, it behoved them to look closely into the amount of the Estimates. In the items of stores and wages alone, for example, no less a sum than 330,000*l.* above what was required, had been voted in 1849–50, and the whole of that might have been expended on other branches. He pressed this question because it was one of constitutional principle. That House was responsible for supply and expenditure, and it received the praise or blame of the country mainly according as it discharged that, one of its chiefest duties, the strict guardianship of the public money. He should be obliged if the right hon. Gentleman the First Lord of the Admiralty would explain the payments in question, and he trusted that in future Estimates would not be presented which would be so greatly in excess of expenditure.

SIR FRANCIS BARING would cheerfully concede the constitutional principle that the House of Commons should vote the expenditure; but he could not but think that the observations of the hon. Baronet opposite conveyed a great compliment to the department of which he (Sir F. Baring) was the head. He was quite willing to have it stated that he had been careful of the public money, and he hoped always to be open to the same charge. There was, of course, a great difficulty in framing exact naval estimates; and if the estimate upon one branch failed to be equal to the expenditure, it then became necessary to resort to the Treasury for power to apply any balance upon any other branch. It was desirable that this practice should be resorted to as little as possible, and he had always endeavoured to avoid extremes, and to make the estimates square as nearly as might be with the expenditure.

Subsequent Resolutions *agreed to.*

MERCANTILE MARINE ACT AMENDMENT BILL.

Order for Committee read.

House in Committee; Clauses 1 to 16 inclusive *agreed to.*

MR. ANDERSON moved, as an Amendment on Clause 17, page 6, line 1, to leave out from the word "and" to the word "the," line 4, and from the word "seaman," line 14, to the end of the clause. The clause provided for the repeal of the 13th and 14th Victoria, cap. 93, sec. 61, that the advance notes should be receipted when discounted for any seaman, and that the holder might sue for the recovery of the same, provided the seaman had been properly discharged by the master, or had sailed from the port of departure. The effect of the Amendment would be to make the grantor of advance notes entirely responsible for them, and in no case to exempt him from their payment, whether the man had left the ship or not, it having been shown that the holder had given proper value for them. His object was to render the giving of such notes (which were usually for two months' wages before the ship sailed) so hazardous as greatly to check the practice. He did so because he considered that the practice led to reckless and improvident habits in sailors, to desertion, and to fraud. The late atrocious cases, of burning of ships in India by native seamen, was attributable to the system of advance notes: these native seamen—he would not believe British seamen capable of such a diabolical act—there was little doubt, set fire to the ships, in order that they might not have to work for the money they had received and spent. Although the Amendment might be considered an extraordinary one to be proposed by a shipowner as he was, he was satisfied that nothing short of some such enactment would check a system, the suppression of which, he was confident, would ultimately prove highly beneficial both to the shipowner and the seaman.

MR. CLAY approved of the Motion, but thought it would be better to abolish the tickets altogether, or to limit them to one month. Two months' pay was about the price of a kit, and consequently seamen, knowing that they could by means of these tickets procure a new kit for their next voyage, were in the habit of pledging the old one. Hence arose the habits of improvidence complained of. It was observed that a ship's carpenter seldom pledged his chest of tools; and the reason was, that as two months' pay would not buy a new one, he was aware that if he did so, he would not get a fresh berth. The limiting of the tickets to one month, would produce a similarly beneficial result to common sailors.

MR. LABOUCHERE said, that the whole question of advance-notes was one of very considerable difficulty, and he admitted that the sailor, when he had obtained them, was too apt to take the earliest opportunity of leaving his ship. His hon. Friend (Mr. Anderson), as a remedy for that evil, proposed, not that it should be illegal to grant advance-notes to sailors, but that the shipowner should do so at his own risk, and that they should be always recoverable against him, even though the seaman should have deserted. And this, his hon. Friend thought, would make the shipowner cautious how he granted advance-notes except to men whom he knew to be worthy. His (Mr. Labouchere's) fear, however, was, that the Amendment might operate too stringently, and that its effect would be to put an end to the whole system of advance-notes, which he believed would be a very great hardship to the sailor, as it would be the means of depriving them of making the necessary purchases for their voyage. Under these circumstances, he trusted that his hon. Friend would not persist in his Amendment.

Admiral BOWLES suggested that the advance-notes should be limited to a month, in the hope of next year being able to dispense with them altogether.

Admiral DUNDAS said, there was nothing a sailor was so sensitive about as his pay, and it would be better to leave things as they were.

Mr. ANDERSON said, that his object was to teach the seamen habits of providence and self-dependence, which, from a tolerably extensive experience, he was convinced was not so difficult as was often supposed. As, however, he had had but little opportunity since the Bill was printed of consulting shipowners on the subject, and there were so few Members connected with the shipping interest present, he would not press his Amendment.

Amendment *withdrawn.*

Clause *agreed to;* as were the succeeding clauses up to Clause 24 inclusive.

Admiral BOWLES then proposed the following Clause :—

> "Whenever the crew of any British vessel which shall have been wrecked or abandoned on the high seas shall arrive at any place out of Her Majesty's dominions, it shall be lawful for any naval officer in command of any ship of Her Majesty, or, in the absence of any naval officer, for the consular officer within whose consulate such place shall be situated, to summon a naval court to inquire into the causes of such shipwreck or abandonment, and the said naval court shall send to the Board of Trade a report of the result of such inquiry, together with such remarks on the conduct of the master and crew of the ship so lost or abandoned as the circumstances may require."

Mr. LABOUCHERE said, he had prepared a Clause to effect precisely the same object, and perhaps when the hon. and gallant Admiral heard it he would consent to withdraw his own Clause, and allow his (Mr. Labouchere's) to stand in its place. [The right hon. Gentleman then read his proposed clause.]

Admiral BOWLES said, he was quite ready to give up his own clause in favour of the one which had just been read.

Sir JAMES GRAHAM said, that he looked upon the Clause as a most salutary one. In Her Majesty's service the presumption always was against the loss of a vessel, and there was no case in which a vessel was lost in the Queen's service, however high might be the reputation or standing of the officer in command, in which every circumstance connected with the transaction was not fully investigated. He must say also, considering the great number of merchant ships that were lost, and the high rate of the insurances, that, in his opinion, the presumption should always be against the loss of the vessel, and that something like an inquest should take place in every case. He was sure that the system would be very much in favour of insurances. It appeared to him to be an excellent principle, and his only doubt was whether ultimately it would not have to be carried much further.

Clause *agreed to;* as were the remaining Clauses, and also the schedules.

Mr. ANDERSON proposed the insertion of the following Clause, being the first of three of which he had given notice :—

> "That so much of the Act 7th and 8th of Victoria, cap. 112, sec. 50, as exempts Seamen quitting Merchant Ships and entering on board of a ship of war, from forfeiture of their wages, as in other cases of breaches of their articles of agreement, shall be repealed."

He contended that the provision which he proposed to repeal, conferred an arbitrary power upon Queen's officers, which occasionally was, and frequently might be, exercised to the great loss and injury of the owners of merchant vessels. At the same time its effect was of a demoralising tendency, for it afforded a direct premium for ill-behaved and mutinously-disposed sailors to break their contracts with their employers, and desert from the merchant service into the Navy. He would state a case, which he thought would be strikingly illustrative of the detriment suffered both by shipowners and merchants, from the law as it now stood. A ship called the *Anna Robertson*, belonging to a friend of his, had recently arrived in London from China.

At Hong-Kong, when receiving her cargo, twelve of the crew, having first refused to work, left the ship and entered on board two ships of war, the *Medea* and *Royalist*, on that station, where they were received, and the master compelled to pay up to the day all their wages and deliver their clothes; both of which would have been forfeited had they quitted the ship under any other circumstances. They were the best seamen which the *Anna Robertson* had. The master had great difficulty in replacing them; and after a detention of ten days, when in consequence of the setting in the south-west monsoon, every day was of the utmost consequence, he was obliged to proceed to sea with a crew of inferior men, sickly and unfit to do seamen's duty, but such as he could pick up. On his voyage towards England he encountered, off the Cape of Good Hope, a heavy gale. The men which he got at Hong-Kong, being most of them sickly and debilitated, were soon knocked up, and became unfit for duty. In this state, but after the gale had subsided, he was met and hailed by Her Majesty's steam vessel the *Hermes*, then proceeding on service from the Cape to Algoa Bay. The commander of the *Hermes* first asked the master of the *Anna Robertson*, whether his ship was leaky; and being answered in the negative, he then inquired if he wished to go into Algoa Bay. The master of the *Anna Robertson* replying in the affirmative, and that he had so many of his crew sick and disabled, that he found it difficult to work his ship; the commander of the *Hermes* said, "Then I will take you in," and accordingly took the ship in tow and brought her into Algoa Bay, the whole service occupying but a few hours, and the weather moderate. On the ship being anchored in Algoa Bay, the commander of the *Hermes* brought a claim against the master of the *Anna Robertson* for salvage; and on 500*l.* being tendered to him for the service rendered, he refused to accept it, stating that he would take nothing less than what the law would give him. He accordingly lodged a claim of 3,500*l.* in the Admiralty Court at the Cape of Good Hope, and arrested the ship. After must delay caused by the the prosecution of the suit, an award to the extent of 1,500*l.* was given in favour of the commander of the *Hermes*. A difficulty then arose as to raising funds to discharge this claim. The master of the *Anna Robertson* used every endeavour to obtain it on advance, but was unsuccessful, and as a dernier resort, was compelled to sell part of the cargo. Those proceedings occupied nearly four months, during which time the *Anna Robertson*, with her valuable cargo, lay exposed in the roadstead of Algoa Bay, and rode out two south-easterly gales, which drove on shore and totally destroyed several vessels; a fate which would certainly have been hers had she not been furnished with ground tackle of a very superior description. The loss to the owners of the ship and cargo, caused by the circumstances which he had just detailed, is estimated at not less than 4,000*l.* Now, he had no hesitation in saying, that every fact which he had stated, could be satisfactorily substantiated. And what was the state of the law which this presented to their consideration? Why, that the law sanctioned the taking away of the crew of a merchant vessel, by the commander of a ship of war, to such an extent as to endanger her being navigated; and when this proceeding on the part of one naval officer had rendered the ship helpless, the law then enabled another naval officer to take advantage of that circumstance for his private benefit, and for a few hours' service performed with a ship, the property of the public, and he a paid servant of the public, to make as it were a prize of her, and subject the parties concerned in her to the heavy risk and loss which he had just stated. He trusted that with such facts as these before them, the Committee would be convinced of the necessity of altering a law so injurious and oppressive in its operation, and he should certainly press his Amendment to a division.

Clause *brought up*, and read 1°.

Sir FRANCIS BARING said, that there had been last year a discussion upon this very subject, and upon that occasion very great complaints had been made of the operation of this clause of the 7th and 8th of Victoria. At that time, however, he stated, and he now repeated, that he had issued very strict regulations upon the subject, and that any complaints with reference to it which might be made to the Admiralty would be fully investigated by them. He particularly requested Gentlemen upon that occasion, when they had any complaints to make, to forward them at once to the Admiralty; and he thought it rather hard, therefore, now, upon officers on the other side of the globe, that charges should be made against them in the House of Commons without any notice having been given to the Admiralty, more particularly because he had stated both publicly and privately his readiness to go into any complaints that could be brought before him. One of the directions which he had given upon this point was, that a report, in every case complained of, should be sent to the Admiralty, containing a statement of the circumstances under which the men had entered the naval service; and he was bound to say that those reports did not entirely coincide with the stories which he sometimes heard, nor did they lead him to abandon the impression he had formed, that this provision was a great protection to the seaman. In some points of view it might possibly act injuriously to the owners; but he hoped that the Committee, in their anxiety to do justice to the owners, would not entirely overlook the interests of the seamen. Owners were not always aware of what took place on board when their ships were at sea; and there were instances before him which led him to believe that it was not always the fault of the seaman or of the naval officer when a man left his ship and joined the Navy. Suppose a case in which the master of the vessel either acted oppressively, or thought it his interest to get rid of an inconvenient man, the man would have no protection whatever unless he volunteered for the Queen's service; and if he were deprived of that protection, he would be left completely at the mercy of the master of the vessel. It could not be said that there was any breach of faith with the owner of the merchant vessel in that case, for he engaged his men with the full knowledge that they might enter the Royal Navy if they were so disposed. The directions of the Admiralty to officers commanding Her Majesty's ships were that they should receive no man unless he left his ship perfectly well manned; and they were distinctly warned that they should use no temptations whatever to induce men to leave their ships, for if they did so, their conduct would be liable to severe censure. He trusted that the Committee would come to the same conclusion as they had done last year, and that they would think it of importance for the Navy, and still more for the seaman, that this provision should remain law.

Mr. RICARDO was very much astonished at the course taken by the right hon. Baronet the First Lord of the Admiralty. Hitherto he (Mr. Ricardo) had laboured under the impression that the law now complained of was instituted solely for the purpose of manning the Navy, but now it appeared that a second object of it was to protect the seaman against the ill-treatment of the master. If it were a protection for the seaman, why not allow him to desert into the merchant service from the Royal Navy, because if a Queen's ship did not happen to be lying in the port, the seaman would have no protection at all? He must also complain of the state of the law in this respect, for there could be no doubt that it operated as a great hardship upon the mercantile marine. He hoped his hon. Friend would divide the Committee, and, if he did so, he should certainly vote with him.

Mr. WAWN would support the Amendment. He really thought, now the Navigation Laws had been repealed, that the officers of the Navy should be compelled to render every assistance to the merchant service, instead of being invested with such arbitrary powers as they possessed.

Sir JAMES GRAHAM regretted that the hon. Gentleman (Mr. Anderson) was about to divide in a Committee so thinly attended. The question at issue was one of very considerable importance, and he should be sorry if it were to go to the country that it had been decided upon in a House, in which there were not at the most liberal calculation more than fifty or sixty Members. He certainly never would have consented to the repeal of the Navigation Laws if he had conceived that they should therefore be called upon to abandon the power which Her Majesty's Navy possessed on distant foreign stations, in peace as well as in war, of admitting freely on board Queen's ships seamen quitting their engagements on board merchant vessels, with this reservation, that while so receiving them proper precautions should be taken not to disable merchant vessels. The crew of Her Majesty's ships were constantly being diminished by deaths in distant quarters of the world; and if the commanders of those ships were not allowed to receive volunteers from the merhant service, their force would become inefficient and incapable of protecting our merchant marine. As he understood the right hon. Gentleman the First Lord of the Admiralty, there had been recent regulations issued with respect to the practice, checking the abuse of power on the part of Queen's officers. In defence of the abuse of that power, he had not one word to say; but he did say, with regard to the use of it, that with respect to the safety of our trade itself on any foreign stations, it was indispensable that the practice should be preserved. He had heard it termed "desertion," this quitting a merchant ship to enter the Queen's ship; but he held it to be necessary to maintain the honour of that service that at all times it should be open to the reception of volunteers. Now, there was a very strong feeling that impressment should cease. He had always doubted whether in time of war it would be possible to dispense with impressment. But if it should, surely it was their duty to keep open to the utmost extent every facility for volunteering. Neither could it be said that there was any breach of agreement in this matter, because every master of a ship when he entered into a contract with his seamen, knew that this law existed. He admitted that the system had been in past times abused; but he believed now that every proper precaution had been taken to prevent abuse. If not, let other steps be adopted. He had no doubt that his right hon. Friend (Sir F. Baring) would not object to lay upon the table the regulations which the Admiralty had issued on this subject, and then let the commercial interest point out their objections to those regulations. All he maintained was, that this power must be upheld. In war it was absolutely necessary —in peace it was directly necessary in many cases, and expedient in all. The principle of volunteering must be maintained to the utmost possible extent; and he should extremely regret if in a hasty manner, and in a Committee so thinly attended, so great a principle, connected with the maintenance of the efficiency of the Queen's naval service, should be sacrificed.

Mr. FORSTER had no confidence in the discretion or forbearance of Queen's officers. The system was beyond doubt a most intolerable grievance, and it had met with an extremely bad defence at the hands of the right hon. Gentleman (Sir J. Graham). It could no longer be endured.

Admiral DUNDAS said, it was impossible to sit still and hear one's profession abused in this way. Two or three British merchants had got into the House, and they constantly at the end of every Session fired off their guns and attempted to destroy the British Navy. It was only in the House of Commons that he heard the Navy abused, and in that House he regretted to say he seldom heard anything of their good deeds. Why, it was only eighteen months ago that a frigate had assisted eight merchant vessels from California, whose crews had entirely deserted them.

Mr. ANDERSON trusted that after the observations which had fallen from the right hon. Baronet the First Lord of the Admiralty, the right hon. Baronet the Member for Ripon (Sir James Graham), and the gallant Admiral (Admiral Dundas) near him, the Committee would indulge him with its attention to one or two observations in reply. The First Lord of the Admiralty said that any cases of hardship under this law would receive consideration if presented to the Admiralty. Now, he begged to ask the First Lord, and also the Chancellor of the Exchequer, whether, if the case which he had stated were presented to them, duly substantiated, they were prepared to indemnify the owners of the *Anna Robertson* and her cargo for the loss they had sustained? Neither of the right hon. Gentlemen ventured a reply; but he (Mr. Anderson) would answer for them—neither of them could appropriate a farthing of the public money to such a purpose, because what these naval officers had done, the law authorised. The right hon. Member (Sir J. Graham) contended for the continuance of the law on two grounds:—1st. Because it was necessary for recruiting the crews of ships of war on foreign stations; and, 2nd. That it was necessary for protecting seamen from ill usage on board merchant ships at foreign places. Now, he (Mr. Anderson) could see no necessity for it on the first ground, for seamen could be sent abroad to recruit the crews of ships of war, the same as soldiers are sent to recruit regiments. But, admitting that there was a necessity, why was the shipowners' interest to be sacrificed for the public benefit? They must remember that the shipping is no longer (and in his opinion happily so) a protected interest. They had, therefore, no more equitable right to subject the shipowner to loss and risk for the purpose of manning the ships of the public, than they had to pull down a man's house for widening a public thoroughfare, without indemnifying him for the value of it; and indemnification was all that his Amendment proposed. If a necessity for turning the ships of the public into receptacles for dishonest seamen really exists, at least let the public indemnify the shipowner. That was all he asked. As to the right hon. Gentleman's second ground—protection to merchant seamen, he surely must have overlooked the fact, that at this very moment they (the Committee) were engaged in making an Act of Parliament that would give to merchant seamen an easy and summary remedy in foreign places for any ill treatment they might receive. And now for the gallant Admiral below him (Admiral Dundas), who had accused him (Mr. Anderson) of abusing the naval profession, and of firing off guns at the end of the Session to destroy the Navy; he thought he might safely appeal to the Committee whether anything which had fallen from him deserved to be termed abuse. The naval officers alluded to had only done what the law authorised. He had stated facts which had only very recently come to his knowledge, and, in discharge of his public duty; and believing them to be correct, he had made use of them without feeling any necessity for considering whether they might be palatable or not to the gallant Officer.

Motion made, and Question put, "That the Clause be now read a Second Time."

The Committee *divided:* — Ayes 12; Noes 32: Majority 20.

Mr. ANDERSON then proposed his second Clause, which was as follows:—

> "That such provisions of the General Merchant Seamen's Act (8th and 9th Victoria, cap. 112), and of the Mercantile Marine Act, 1850, as compel seamen in the merchant service to obtain and produce registry tickets, shall be repealed."

The House would perhaps recollect that last Session he had pointed out fully the absolute uselessness of the register ticket system for the chief object of its establishment, namely to facilitate the manning of the Navy—that these tickets might be purchased of crimps for half-a-crown each—that they led to wholesale falsehood and fraud among seamen, and to place them more under the control of crimps. In support of these assertions he would again refer to the evidence given before the Navy Estimate Committee by the gallant Admiral the Member for Gloucester (Mr. F. Berkeley), a Lord of the Admiralty, whose duties were chiefly directed to the manning of the Navy. That gallant Officer stated in a very decided manner that the registration and ticket system was altogether useless as to any facility for manning the Navy, and that it operated so vexatiously towards British seamen as to drive them in disgust to seek employment in the service of foreign countries. He (Mr. Anderson) was not opposed to all registration; on the contrary, he considered that a registration, which might be established at every custom-house, where seamen should be paid their wages on concluding a voyage, and registers kept of their characters, and to facilitate the manning of merchant vessels by bringing the seamen and ship-master, or owner, in communication with each other, without the intervention of crimps, would do much good; and if a seamen's savings bank, where they could deposit a part of their balance of wages, under a Government guarantee, and at an encouraging rate of interest, were added, it would tend much to improve their habits, and do more for their benefit than all the shipping masters in the world.

Mr. LABOUCHERE said, he regarded the subject as of too important a character to be disposed of in an incidental manner upon a Bill of this description. It was one which ought to be carefully considered by the House, and only decided after full and mature deliberation. The present system of registration had been discussed upon the Mercantile Marine Bill last year, and again when the Estimates were before the House. His own impression was, not that the present system was not susceptible of improvement, but he should be very much afraid of sweeping away the system of registry tickets before they were fully prepared with some efficient substitute. He promised, however, that his continued attention should still be given to the subject. He need hardly remind the Committee that he had undertaken the winding up of the Merchant Seamen's Fund; but he was afraid, unless he had some such check against fraud and persecution as these registry tickets provided, that it would be impossible to accomplish it in a satisfactory manner.

Mr. ANDERSON said, that as, in the present state of the House, he felt that it would be useless to go to a division on any question in which the Government did not concur, he would not trouble the Committee to divide.

Clause *negatived.*

Mr. ANDERSON then proposed his third and last Clause, which was in the following terms:—

> "That such provisions of this Act, and of the Mercantile Marine Act, 1850, as apply to the personal supervision of shipping masters over the engagements and discharge of seamen, shall only be applicable when the services of a shipping master for that purpose shall be required by the master, owner, or any seamen or seamen concerned in such engagement or discharge; and nothing con-

tained in the said Acts, or either of them, shall authorise any shipping master to interfere in the engagement or discharge of any seaman or seamen unless the master or owner, seaman or seamen, shall request the interference of such shipping master for that purpose."

His object simply was to make the supervision of shipping masters a voluntary matter, dependent upon the desire of the masters or sailors to employ them or not, as they thought fit. He saw no reason why the master and the seaman should not be able, if they mutually thought fit, to conclude their own arrangements without the intervention of these shipping officers.

MR. LABOUCHERE said, that although this proposition was brought before the Committee in the modest guise of a clause, yet that it was, in fact, a proposition to repeal the most important provision of the Mercantile Marine Act of last Session, and of which this Bill was, in some particulars, an amendment. The most important portion of that Bill was that which provided for the establishment of Shipping offices for sailors, in order to provide that their engagemants should be made in a regular and uniform manner, and to secure them against the monstrous evils arising from the employment of crimps and the ordinary go-betweens. He believed that the system of Shipping offices was working satisfactorily to all classes of the mercantile marine; and from the ports of London, Liverpool, Bristol, the Clyde, and elsewhere, he had received the most gratifying assurances of the mode in which it was working, and of the benefits which it was conferring, both upon the owners of ships, and upon that class which he valued quite as much as the shipowners—the sailors employed in the navigation of their vessels. If it were made optional, as his hon. Friend proposed, whether the crimp or the shipping officer should be employed, then all the arts and seductions of the crimps would be exercised in order to lead the sailors away from the regular Shipping offices, and the main principle of the Bill of last Session would be destroyed.

MR. MOFFATT said, he differed entirely from the right hon. Gentleman as to the working of the Mercantile Marine Act in this particular; for he confidently asserted that it had been productive of great inconvenience both to the shipowners and seamen. He denied that it had succeeded in putting down crimps. Newcastle, Sunderland, Southampton, Yarmouth, and other ports had prayed for the abolition of these Shipping offices; and he trusted that his hon. Friend (Mr. Anderson) would divide the Committee.

MR. ANDERSON said, he would not press the clause.

Clause *negatived.*

Preamble *agreed to;* House resumed; Bill *reported.*

CONVEYANCE OF MAILS BY RAILWAY BILL.

Order for Second Reading read.

MR. CORNEWALL LEWIS, in moving the Second Reading of this Bill, said, he hoped the House would not find it necessary to discuss the measure upon that occasion. He had been induced to introduce some important alterations into the Bill in consequence of representations made to him at a conference with several gentlemen connected with the railway interest. All he then asked the House to do was to allow the Bill to be read a second time, and afterwards to be committed *pro formâ*, in order that it might subsequently be printed in the form in which it would ultimately come before the House.

MR. GROGAN said, he thought the measure too important a one to be brought on for a second reading on a Saturday, and at the end of the Session. The object of the Bill was to alter for the benefit of the Post Office authorities the existing law as it had been interpreted by one of the law courts in Ireland.

MR. GLYN said, that he did not mean to pledge himself to the support of the Bill, but he thought it a fair proposal that they should then read it a second time, and that they should afterwards commit it *pro formâ*, with a view to allow of its being subsequently brought under their notice in an amended form.

MR. BECKETT DENISON said, that parties connected with the railway interest complained that the Bill would compel them to carry the mails on new and on less favourable terms than heretofore. He did not, however, object to the proposal that the measure should then be read a second time, and afterwards committed *pro formâ.*

MR. CORNEWALL LEWIS said, it was quite true, as intimated by the hon. Gentleman opposite (Mr. Grogan), that one of the Courts in Ireland had given a decision against a claim of the Post Office. But the Court appeared to have come to that decision with considerable hesitation, and one of the Courts in Scotland had given a completely opposite decision. The present measure would clearly define the law upon the subject in dispute.

Bill read 2°.

The House adjourned at a quarter after Five o'clock.

HOUSE OF LORDS,

Monday, July 21, 1851.

MINUTES.] PUBLIC BILLS.—1ª Tithe Rentcharge Assessment; Charitable Institutions Notices; Victoria Park; Copyhold, Inclosure, and Tithe Commissions.

2ª Woods, Forests, &c.

Reported.—Canada and New Brunswick Boundary; Turnpike Acts Continuance; Turnpike Trusts Arrangement; Inhabited House Duty.

3ª Burgesses and Freemen's Parliamentary Franchise.

ECCLESIASTICAL TITLES ASSUMPTION BILL.

Order of the Day for the Second Reading read.

The MARQUESS of LANSDOWNE: My Lords, in moving the Second Reading of this Bill, the object of which is sufficiently indicated by its title, it will be my duty to explain to the House the grounds upon which it is proposed for the approbation of your Lordships. My Lords, I must confess in the outset that that is a duty which it is painful to me to discharge; because, my Lords, I cannot dissemble that to me, who have been for the last forty years and upwards a strenuous advocate, under all and the least favourable circumstances, of the claims of my Roman Catholic fellow-countrymen of this United Kingdom—who have omitted no opportunity and no exertion within my reach in and out of this and the other House of Parliament to procure the sanction of the Legislature to those claims which I conceived to be their due—it is most particularly painful to me to take any course which may by misrepresentation, by misconstruction, or misapprehension, be deemed inconsistent with the course that I have hitherto pursued, or to be in any way injurious to the feelings and claims of a body which I so entirely respect for their many virtues, and, in many instances, for their most warm and devoted loyalty. But, my Lords, it is not with them we have to deal, but it is with the conduct of a Foreign Power, and, my Lords, it is some consolation to me to consider that, in now addressing the House upon this subject, it will be no part of my duty to enter into any consideration of the character and doctrinal teachings of the Roman Catholic religion. It is also a consolation to me to think that, as I hope to be able to prove to your Lordships, in what I have to propose for your adoption this night, I have nothing to propose in the slightest degree inconsistent with the exercise of that religion, which, having once placed under the protection of the principles of religious liberty, we are still disposed so to protect. I have to show your Lordships, in the first instance, that a necessity has arisen for introducing some legislation on this subject—some enactment to guard against that which few persons can doubt has assumed the appearance, and in my view of this subject has had the reality, of an aggression upon the part of a Foreign Power. My Lords, I shall have to prove that the measure which I have to propose will not in any degree place any new impediment upon the exercise or administration of that religion. My Lords, if I do not prove both of these cases, I am ready to say—reject this Bill. If there has been no aggression—if nothing that has been done on the part of any Foreign Power is calculated to throw dishonour upon the Crown, and interfere with the prerogative of the Sovereign of this country, I say, reject the Bill, because it is unnecessary. If, my Lords, there is anything that interferes with the practice of that religion which we all wish should be practised, I say, again, reject this Bill, because you do not mean to withhold any part of those privileges, or of those rights, from your Roman Catholic fellow-citizens. But, my Lords, I have to state (and I shall have to state them very shortly, because all the facts are familiar to your Lordships), that within some few months past a Rescript and other documents have appeared sanctioned by the Court of Rome, and assuming to itself in this kingdom, in distinct and unqualified terms, the right to confer territorial titles in this country. My Lords, this right has been practically assumed; it has been loudly proclaimed, I will not say in what terms, because, as I consider them to be offensive terms, and I have no desire to add to any acrimony that may arise in the course of this discussion by dwelling upon the offensive nature and character of those terms, repeatedly used, ignoring the power and existence of the State and Sovereign of this country—it is sufficient for me, without dwelling upon those terms so ostentatiously employed, to deal with the act itself. I say that that act has been committed, that it is avowed, and that it has been committed and avowed without having been preceded, accompanied, or followed by any explanation calculated to mitigate the offensive character of that aggression. My Lords, I say that has been a peculiar character of these proceedings, and one with respect to which you have to deal. Now, my Lords, is that an assumption of any importance, or is not? My Lords, I need not recite to your Lordships the terms of the Bill which I have to propose, which is a short one, and which is in your Lordships' hands. The question that I have to answer is, "Why do you move at all under these circumstances?" My answer is, because the movement has been made against us; because that movement is of no insignificant value or consequence; because there is a degree of assumption of power in the terms which have been used upon this occasion inconsistent with the rights of the Crown. My Lords, it is all very well to say that these titles are of no consequence, are not necessarily attended with or accompanied with power. But, my Lords, if the assumption of these titles is left unnoticed and unreproved, the time will come when they will be followed by an assumption of power. My Lords, I say you must in the outset of the matter protest against that assumption. My Lords, can it be said that titles are of no importance? They are things of substance, although they appear to be only things of show. It was not because Mr. Selden, one of the most patriotic, and learned, and distinguished men that this country ever produced—it was not because he entertained a childish reverence for titles, that he spent a great part of his laborious life in an examination of their origin and nature—but it was because he felt them to be intimately connected with those monarchical principles to which he was attached, and because he considered them to have a most material effect—first upon the imagination, and subsequently upon the actions of men. I know that all the wisest men of this country have ever attached an importance to titles so used and employed; but if they have so regarded titles of a mere profane nature, how much more important must they have regarded ecclesiastical titles which a foreign Power has for its interest to dispose of by assumption, and by assumption only. My Lords, I have always attached great importance to this subject. I have always felt it to be a very wise system upon the part of this Government, more especially of the foreign department of this Government, that it has so steadily, and some have thought so stiffly, refused and prevented the use of foreign titles and foreign station in this country, except in very rare cases and under very rare circumstances. They have refused it because they felt that such titles ought to flow from the fountain of honour, and that the fountain of honour ought to be preserved untouched to the Crown, and to the Crown only. And Parliament itself, which has at different times, with caution, no doubt, interfered more or less with the prerogatives of the Crown in other duties and privileges belonging to it, has constantly observed the most entire forbearance on this point, and has never presumed to suggest to the Crown, or to interfere with the Crown, in that which it felt to be its first and exclusive prerogative and right, to determine who shall wear and who use distinctions of this nature. My Lords, this consideration reminds me of a somewhat homely saying of a Sovereign of this country, whom we all consider to have been one of the greatest, and whom even the Roman Catholics acknowledge to have been one of the ablest, of our Sovereigns—I mean Queen Elizabeth. I say this subject reminds me of a homely saying of hers (but which, like all her homely sayings, have a great deal of depth and of truth in them), when it was proposed to her, and urged upon her by some of her Ministers, to permit the ancestors of a noble Lord in this House, who had won great distinction in the East—in wars in which this country was not concerned, to wear certain orders and certain distinctions which had been conferred on him by a foreign Power, she said, No; She did not choose to have her sheep tarred by other shepherds. My Lords, I say again, that this is a homely saying, but it is a wise one—one on which your Lordships will do well on all occasions to act. I say, therefore, my Lords, that this is in reality a thing of substance, though apparently a thing of form, and that your Lordships will only do your duty in preserving untouched in the Crown that right which has been so distinctly and ostentatiously assailed by a foreign Power. Now, my Lords, I would observe to your Lordships, that while we all resent these proceedings of the See of Rome, we have had an opportunity of showing at least that we recognise in the fullest degree that observance of form that attention to the rights and independence of other countries, which we claim from this and from every other foreign Power towards ourselves. My Lords, we have recently had an opportunity of showing that in our own time. Not many years have elapsed since we appointed a Bishop of Gibraltar, and a Bishop of Jerusalem. Now, my Lords, did we appoint these bishops in the same manner and in the same mode as the See of Rome has made these appointments of which we complain? No such thing. We gave to the Bishop of Gibraltar territorial authority, because Gibraltar is a territory belonging to the Crown; but to the Bishop of Jerusalem we gave personal authority only—implying thereby, that we claimed no right to create a territorial jurisdiction; and that, by appointing the Bishop of Jerusalem, we only meant to give to Christians resident in that part of the world the benefit of episcopal superintendence. Now, my Lords, nobody wishes to deny to the Roman Catholics of this United Kingdom the benefit of episcopal superintendence. We wish to secure to them such superintendence as they may think necessary for the exercise of their religion; and if they think it important to have episcopal superintendence, I should not be indisposed to allow them to have it, provided the appointment were unaccompanied by an usurped authority. But now, on the subject of recognising this foreign authority, I know it is asked why we have moved in this matter? and I know that there are some who, admitting the offensive character of the proceeding which has taken place, and the impropriety of the terms which have been employed, nevertheless are willing that we should do nothing upon this subject—who say, "The public feeling has been aroused, and not unnaturally; but who knows that that feeling won't subside? Do nothing; wait till it does subside. We admit that an aggressive act, or, at least, an act having the appearance of aggression, has been committed by the Court of Rome; but who knows that it will be followed by any other act, and who knows that any dangerous consequences will ensue from it; wait and see." Why, my Lords, I say that the surest way to produce these consequences—the surest way to maintain alive the state of indignation in this country upon this subject, would be to show to this country a Parliament determined to do nothing on this subject. I say that that is the way to encourage the Court of Rome; and every one who has observed the proceedings of that Court at different times, must have seen how it has felt its way in these usurpations, and observed which of them will be tolerated, and which will not—which admit of being repeated, and which will not—which admit of being aggravated, and which will not; and I ask, after observing the history and policy of the Court of Rome, as a temporal as well as a spiritual Government, are not your Lordships satisfied that no surer mode could be had recourse to of inviting the aggressions of the Court of Rome, than by showing the Court of Rome that you are not prepared to make a stand upon principle, or to express a national opinion upon this subject when the rights of the Crown are assailed. My Lords, I therefore think I have said enough to show to your Lordships that this is not an occasion on which it is possible, consistently with respect to the Crown, and with respect to the feelings of the people, for Parliament to remain silent and acquiescent, opposing nothing but a species of indifferentism to a course so distinctly marked, and so openly avowed. Well, my Lords, I will now go from that part of the subject. There remains for me a point which I hold to be no less important a part of the argument I have to lay before your Lordships, namely, to prove that the Catholic religion in the Catholic sense, and with legitimate Catholic objects, will in no degree be impeded or embarrassed by the operation of this Bill. And, my Lords, on this part of the subject I am justified in at once throwing the *onus probandi* upon those who may oppose this Bill, because it is for them to point to any one portion of the Bill by means of which this embarrassment can be effected. I am not now speaking of that interference, which I hold to be unnecessary—that interference which I hold to be unlawful, not under this Bill, but unlawful by the constitution and law of this country—by that law and constitution which was not less strong, but more strong, in Catholic times than it is now. Because, my Lords, I will only ask you to go back to the proceedings that took place in this country long ago, in reference to the acts of the Court of Rome—I mean the proceedings upon what is called Lalor's Case, which occurred in the reign of James I. [2 *Howell's State Trials*, 532.] Those proceedings you will find in the report of the law officers of the Crown. They state the reasons for the particular mode of proceeding which they adopted; and as these reasons are very singular and curious, I will take the liberty of reading them to your Lordships, because they are full of sense, full of meaning, and full of instruction with regard to the subject. They said—

> "We did purposely forbear to proceed against him upon any latter law, to the end that such as were ignorant might be informed that, long before Henry VIII. was born, divers laws were made against the usurpations of the Bishop of Rome upon the rights of the Crown of England, well nigh as sharp and severe as any statutes which have been made in later times; and that therefore we made choice to proceed upon a law made more than 200 years past, when the King, the Lords, and Commons which made the laws, and the Judges which did interpret the laws, did for the most part follow the same opinions in religion which were taught and held in the Court of Rome."

They go on, in a subsequent part, to say—

> "For the Commons of England may be an example unto all other subjects in the world in this, that they have ever been tender and sensible of the wrongs and dishonours offered unto their kings, and have ever contended to uphold and maintain their honour and sovereignty."

My Lords, I say that these laws have ever been in force for certain purposes, and were only partially repealed by what is called the Emancipation Act, which granted to the Roman Catholics of the United Kingdom immense privileges and immense advantages; but which wisely reserved to the Crown privileges upon certain points, including, amongst others, that most important one, namely, the right of appointing bishops to particular sees. My Lords, under the laws existing, as I have shown you, from a very early period, repealed only partially, and only sought to be so repealed under that Act by which you made them less severe, these bishops are prohibited from taking any title conferred by the Court of Rome. Under the Emancipation Act, nevertheless, all the functions, all the administrations, and all the duties of the Roman Catholic religion, have been satisfactorily performed. And, my Lords, I appeal to your recollection, whether when that Act passed, the Catholics did not express their gratitude for it? whether they did not express, by a public declaration, their entire acknowledgment of the kindness of Parliament in passing that Act? whether they did not state that that Act would confer on them inestimable privileges, for which they owed an infinite amount of gratitude? My Lords, I therefore say it is too late now to tell you that it is impossible to perform the functions of the Roman Catholic religion under that Act. You cannot be told, when the bishops have fully exercised their ministrations under that Act, when under the name of vicars-apostolic (under which name, as I have been informed, one-third of the bishops of the Roman Catholic world perform their functions) these bishops have been enabled to discharge satisfactorily all the functions which they had to perform—I say you cannot be told that this Bill will at all embarrass the exercise of the Catholic religion in this country. No impediment under the existing law has been offered to ordinations, to marriages, to any of these sacred rites which derive their authority from the Church, and which, we all admit, are necessary functions of a religious body—functions which, far from wishing to disturb, we must all wish to secure; but which, nevertheless, we contend may be secured hereafter as they have been secured hitherto, without any violation of the prerogative of the Crown. If your Lordships will look to the very full and instructive evidence which was given before a Committee of this House by Dr. Doyle, you will find a careful enumeration of all the rites and all the duties of the Roman Catholic religion. You will find that there are none of those duties and none of those rites described by him to be essential to the performance of the rites of the Catholic religion, which have not been since performed, which may not be performed, and which will not be performed, when this Bill shall have been passed into a law, without let and without hindrance, and with that satisfaction to Her Majesty's Catholic subjects which they cannot fail to appreciate when they come to see this Act stripped of all those misrepresentations with which it has suited certain parties and certain interests to cloak it. Now, my Lords, I therefore think your Lordships need not be under any apprehension that you are disturbing the functions of the Catholic religion. My Lords, I should be prepared to sacrifice much, and to incur risk, before I would consent to disturb the religious peace and religious independence of a large portion of my fellow-subjects. But because I feel there is no such apprehension, because I feel that there is no such intention, and that there is no such accidental result to be apprehended from this Bill if it pass into a law, I venture to recommend it to your Lordships' approbation. My Lords, if I am asked whether I consider this Bill to be essential to the maintenance of the Protestant religion? I must answer that I do not—because, my

Lords, I am one of those that think the Protestant religion does not rest for its support on Acts of Parliament, or upon contrivances of any sort. My Lords, I am one of those that think it is with the Protestant religion as it is with a State. In the words of a celebrated lawyer, orator, and poet, I agree—

> "What constitutes the State?
> Not lofty battlements nor laboured mound,
> High walls or moated gates.
> No—Man—high-minded man."

And so I say it is, with regard to any religion, that its real security, and its best security depends upon the sincerity, the virtues and conduct of those who are its professors. But because, my Lords, I do believe it to be independent of protection as long as these virtues are preserved, I am nevertheless of opinion that it is incumbent upon the country and incumbent upon Parliament to proclaim its adherence to those opinions which I have expressed, and its determination to support the Crown in the maintenance of all its privileges, connected as those privileges are both with the State and with religion. And, my Lords, I think it is a duty which you owe to your Sovereign, it is a duty which you owe to the people of this country, to stamp these opinions with your approbation, and to recognise, by this declaratory enactment, what the privileges of the Crown, in connexion with religion, has been, and what you are determined it shall always be. My Lords, I therefore think that your Lordships will do well to pass this Bill, as I trust you will pass it, by a large majority. I believe there never was a moment when the people of this country were more resolutely determined to maintain their own faith, and to maintain their own religion, and, above all, to maintain undisturbed and uninterfered with, by any foreign Power, that most sacred gift of God to man, the liberty of conscience and the right to free inquiry. They are determined that they will preserve these rights; and I believe they are disposed, as far as is consistent with these rights, to give all due freedom and all due facility to the enjoyment of the opinions and religious liberty of others. But these have no right to come to us and say, "Because you have given us much, therefore give us more; because you have given us that which is essential to our character as citizens and inhabitants of a free country, allow us to encroach upon the prerogatives of the Crown." Why, my Lords, we might say to them—"We are disposed to withdraw no privilege; we give you all that you can have under the Emancipation Act, and under every law most favourable to you that has been passed within the last hundred years. Come to London, if you will, and build up a St. Paul's in London, although you would not allow us to build a St. Peter's in Rome. We have given you that which you do not concede to us; we wish to see those privileges undisturbed; but while you have them undisturbed, do not make it a part of your system to attack us, and assert that function which, beyond all others, Parliament has held most sacred as resting in the Crown, and in the Crown alone." My Lords, I beg to move the Second Reading of this Bill.

Moved—That the Bill be now read 2^a.

The EARL of ABERDEEN * said, that although he was always reluctant to obtrude himself upon their Lordships' attention, he confessed that on that occasion he had felt some anxiety to avail himself of the earliest opportunity to lay before the House the views which he took of the Bill now under consideration, and the feelings and motives which had induced him to adopt the course he had hitherto pursued, and in which he intended to persevere. In doing that, he was most certainly not disposed to imagine that he ought to entertain any hope of making an impression on their Lordships' minds, or of obtaining for himself any sympathy or concurrence from any large portion of the House. He merely desired to be considered as giving vent to the dictates of his own conscience, and expressing his deep conviction of what was due to the cause of truth and justice. It had always been his opinion that the great act of Catholic relief was carried in opposition to the feelings and wishes of a numerical majority of the people of this country. That was his opinion at the time, and it had been confirmed since by the demonstration he had recently witnessed, and the excitement that had taken place. This excitement had been general, and was perfectly natural, not only from the feelings in which it had originated, but from the active means employed to give it force and vigour. So far as it had been a demonstration of sound Protestant feelings, he entirely rejoiced and concurred in it. He thought it was highly satisfactory to witness it; and that it was of infinitely greater importance and value in the preservation of the Protestant religion of this country against any aggression than such a wretched piece of legislation as that now on the table of the House. But in so far as that demonstration had degenerated into a mere "No-Popery" cry, or a blind hatred of the Roman Catholic religion, as too frequently had been the case, then he had no sympathy with it. It was said that no such excitement as this had taken place since the Revolution. It might be so; and undoubtedly the opinions of the great body of the people of this country must be always treated with the utmost respect and deference; nevertheless, in matters of this kind, numbers were not infallible. Their Lordships would recollect that not since, but shortly before the Revolution, excitement of a somewhat similar description was produced by a somewhat similar cause. Their Lordships would recollect that on that occasion, to use the words of Mr. Macaulay, "the capital and the whole country went mad with hatred and fear." Their Lordships would recollect also, that, although that excitement was as general as the present, the country in a very short time became thoroughly ashamed of the delusion under which it had laboured; and he confessed that, when he felt oppressed by the unanimity which prevailed, and the numbers arrayed against him on this subject, he thought of the Popish plot, and was comforted.

The noble Marquess had felt the painful position in which his duty had placed him that evening—he had felt that the act in which he was engaged was alien from the course he had pursued through a long political life. He (Lord Aberdeen) had, though differing from the noble Marquess on many, on most, subjects, humbly supported him in the efforts he had made in the cause of religious liberty, and in securing the rights and privileges of their Roman Catholic fellow subjects. The noble Marquess was the last person in the world deliberately to support or countenance anything that savoured of persecution or harshness. But the noble Marquess must recollect that persecution was a relative term. He did not speak of former times of persecution; but if they considered the difference of those times, it was very possible that measures which then might have appeared to be liberal and indulgent, would now have the character of a very scant measure of toleration. He had heard over and over again, twenty times in that House, from the woolsack, from Lord Eldon, of the great names of Lord Somers and Mr. Locke, who held the opinions which he had himself adopted respecting the condition of the Roman Catholics; but he (Lord Aberdeen) felt that, whatever justice there might be in those views in the days referred to, they were entirely inapplicable at the present time. The noble Marquess also turned a deaf ear to those professions of toleration from the woolsack. Notwithstanding the absence of the grosser evidences of persecution, yet he believed that Roman Catholics would feel this measure in its consequences to be a grievance intolerable, perhaps more so than those civil disabilities from which the noble Marquess and himself had united to relieve them; for although those disabilities might have been oppressive and unjust, yet it was at least within the province of the State to inflict them. But they were now going out of their province; the were dealing with that which was beyond their control, and were thereby inflicting wounds which, although not apparent in a material sense, would operate as severely on the conscience as the restrictions to which he had alluded. As had been truly observed by Mr. Hallam, in his *Constitutional History*, in dealing with religious sectaries there was no middle course between the persecution that exterminated, and the toleration which satisfied. They had for 200 long years been doing their utmost to exterminate, but they had failed: they had entirely changed their principles of government; and, especially for the last twenty years, they had made a rapid progress in extending the principles of toleration—a course they had adopted when they found that extermination failed. By the present Bill they were about to take the first retrograde step in the path of intolerance. How this would end, and to what it might lead, no man could tell. Now this Bill dealt with a matter purely spiritual, and, as such, contained the grievance to which he had referred. The noble Marquess would not deny that the creation of bishops was an act purely spiritual. It was true that they were accustomed here to connect with the episcopal character the incidents of temporal rights of Lords of Parliament, and of baronies, conferred by the Crown; but a bishop, as a mere bishop, had not only no temporal authority, but, properly speaking, he had no title of dignity. It was a spiritual office in the Church, and many existed without any of those incidents with which the episcopal character they were accustomed to recognise was clothed. If they denied a Church its regular government, they no longer tolerated that Church. Did they mean to refuse to the Roman Catholic people of this country the government of their Church by bishops in ordinary? If so, they did not tolerate that Church. All he desired was the regular constitution of that Church—the regular constitution of the Church under bishops—not the exceptional government as it had existed theretofore. No one would deny that the regular Church was governed by bishops and not by vicars-apostolic. He would refer to a remarkable statement of his noble and learned Friend behind him when he moved the repeal of the mass of odious statutes which had too long disgraced the Statute-book, and especially the statute of 13th of Elizabeth, which forbade communication with Rome. That forbidding of communication with Rome, in fact, denied the possibility of the existence of regular bishops in the Roman Catholic Church. His noble and learned Friend (Lord Lyndhurst) said—

> "They tolerated the Catholic prelates, and they knew that those prelates could not carry on their Church establishment or conduct its discipline without holding communication with the Pope of Rome. No Roman Catholic bishop could be created without the authority of a Bull from the Pope of Rome; and many of the observances of their Church required the same sanction. The moment, therefore, that they sanctioned the observances of the Roman Catholic religion in this country, they, by implication, allowed the communication prohibited by this statute, and for which it imposed the penalties of high treason. If the law allowed the doctrine and discipline of the Roman Catholic Church, it should be permitted to be carried on perfectly and properly, and that could not be done without such communication."

It was absurd to suppose that Roman Catholic bishops could be created without the authority of the Pope. But, in addition to that statement, he found, in an answer to an address from the clergy by the right rev. prelate the Bishop of Norwich—an answer, he might be permitted to say, full of wisdom, moderation, and justice—that right rev. Prelate said—

> "An episcopal Church is not tolerated if we interfere with its liberty to appoint bishops, to determine their number and rank, and to bestow on them any title, provided those titles infringe on no existing rights."

Infringing on existing rights! Were there any bishops whose rights were infringed on? They could not suppose an episcopal Church to exist without those rights and privileges which they now denied to the Roman Catholic Church. He might rest his case here; but he would ask the right rev. Prelates, who regarded with such care the apostolical succession, how they would feel if the due exercise of that character and power were to be interfered with and thwarted so as to impede the regular function of that principle? Let them recollect that the Roman Catholics had adopted the same view of the constitution of their Church, and they were doubly bound to adhere to it, because they must refer to the supreme head of their Church as the source from which the power and sacred character of the episcopal body would be derived. He asked for the Roman Catholic Church no more than the State allowed to the internal government of every dissenting Church in the kingdom. He wished to put the Roman Catholic Church on no other footing than a dissenting Church. It was so regarded by law, and so he desired it to be.

Now, the history of this Bill was somewhat singular. There had been three editions of the Bill, all of which he had before him. It was certainly no rare event that any measure, in its progress through Parliament, should meet with many alterations, and should come to that House in a condition very different from that in which it was introduced; but when the Government, after mature consideration of several months, produced a Bill which they thought adequate to the urgency of the case, and which provided a remedy for this aggression of which they complained; and when, after it was read a first time, the proposers, of their own accord and mere motion, imparted to it a new character, and struck out all that constituted its force and vigour, and then, after another stage, allowed the Bill to be not only restored to the strength of which they had deprived it, but to receive additional stringency at the hands of their opponents, was a history not very intelligible. He could not understand the contrivances by which it had been brought into its present shape. The noble Lord the First Lord of the Treasury had offered the Bill in its maximum form of legislation for the acceptance of his right hon. Friend Sir James Graham and himself. Although less offensive than in its first shape, they still perceived in it the principle of intolerance and persecution, and they rejected it accordingly. It was fortunate they had done so; for most assuredly they could never have consented to such a change as had now taken place in the whole character of the measure.

His first great objection to the Bill was, that it was at variance with the fair interpretation of the Relief Act. By the 24th section of the Relief Act, it was enacted—

> "That if any person after the commencement of that Act, other than the person thereunto authorised by law, should assume or use the name, style, or title of archbishop of any province, bishop of any bishopric, or dean of any deanery in England or Ireland, he should for every such offence forfeit and pay the sum of 100*l.*"

Now the fair logical inference from that provision was, that the assumption of titles not possessed by bishops of the Established Church was not forbidden. By a well-known rule of law, *assertio unius est exclusio alterius.* Again, that was a penal clause, and, according to the rules of law and justice, they were bound to construe it strictly, and not to extend it to that which was not expressed. He had the honour of being a Member of the Cabinet by which the Relief Act was brought in, prepared, and passed. He would not undertake to say what were the intentions of His Majesty's Ministers with reference to that particular point; he spoke only of his own impressions; but this he would say—he had been asked twenty times why the Roman Catholics had not Diocesan bishops in England as they had in Ireland, and it never occurred to him to suppose or say it was illegal. He thought it entirely depended on arrangements for their own convenience and pleasure connected with the government of their Church. Therefore, his conviction was undoubtedly that by the Act, and in fair construction their Lordships must admit it to be so, it was not forbidden. But there was another reason, which he thought still more conclusive. Let their Lordships observe that the clause provided that no person should assume the title of any see or deanery in England or Ireland; but no mention was made of Scotland. Why? Because in Scotland there were no bishops, no deans, no persons in possession of those titles that were recognised by law. There were certainly rev. gentlemen assuming titles in Scotland, and permitted to assume them; but they had no legal recognition, and therefore the law did not prohibit persons from taking those or any other titles in Scotland; but it prevented them from taking those titles which were in existence in England and in Ireland. He thought this demonstrative of the intention of the framers of that Act, because it would have been just as easy to prohibit the assumption of titles in Great Britain, as it was in England and Ireland, had it been desired. This, therefore, was the first great objection he had to this Bill. He thought it to be a breach of faith—a violation of that great Act which he humbly contributed to support; and he would not be a party to any provision that interfered with the privileges which he considered were intended to be conferred upon the Roman Catholics of this country.

But, let him ask, what had been the acts done to warrant this Bill? The noble Marquess had talked in high-sounding language of the aggression committed, and of the rights of the Crown which the Pope had invaded. But, after all, what was it? What act had the Pope really done? What was the head and front of his offending? Why, he had converted vicars-apostolic into bishops in ordinary. He (the Earl of Aberdeen) said that was the whole the Pope had done. He spoke not of the language by which this act had been accompanied. If their Lordships were going to outrage the feelings of one-third of the population of this country, in order to answer an insolent manifesto, let that be avowed. Now, in his opinion the Pope had a perfect right to convert the vicars-apostolic into bishops in ordinary. It was, in fact, to make a change from a system that was irregular and exceptional, to the regular government of the Church. As far as their Lordships and the Protestant people of this country were concerned, he wanted to know how the Roman Catholic bishops in ordinary differed from the vicars-apostolic? Had they more authority or greater revenues? Did the law regard them differently? Was there, in fact, the slightest difference except in their own church government, and the more regular administration of their internal affairs? None, that he could see; and when, therefore, the noble Marquess talked of territorial titles, he must remind their Lordships that the Pope must describe these bishops somehow. He must describe his vicars-apostolic as vicars of certain districts, comprising certain counties. And he must now describe his bishops in ordinary as bishops embracing the jurisdiction of one or more counties, according to the circumstances of the case. True, the Pope might have described the diocesee of these bishops by parallels of latitude and longitude; but he must have some mode of intrusting the faithful of his Church, in certain districts, to the authority and administration of the bishops placed over them. He said, then, that this talk of territorial titles, as if these titles conveyed any right or possession, or the exercise of any temporal jurisdiction, was a complete misapprehension of terms. It was the ordinary mode by which the Church of Rome appointed bishops. Look at the bishops lately created in a friendly Protestant State with which the Pope of Rome had a concordat—the bishops of Prussia. The most minute particulars, the names of every village, were described in setting forth the sees of these bishops. But these bishops in Prussia had no more power and authority because the sees were thus territorially described in which they held spiritual jurisdiction, and in which, let their Lordships recollect, they had no more authority than if they were described by any other mode. They had heard much of the establishment of a Catholic hierarchy in this country; but it was incorrect to say that any such hierarchy had been established. Nothing could properly be said to be established that was not established by law. So far as Protestants were concerned, there was nothing real in it. Did they suppose, because the Pope had issued decrees appointing these new bishops, that the law would give any effect to these rescripts or letters? None at all. The new hierarchy was constituted for the purpose of internal government and administration; but, as far as their Lordships were concerned, this new establishment had no existence except in words, and could not operate in any degree whatever upon the interests of the people of this country. This was the act which they had heard from high authority was the beginning of a system of despotic government, and of reactionary principles over the whole of Europe. This, according to the same authority, was the first step taken in this country, because we were the most free nation in Europe, and likely to feel more deeply the assertion of any such ultramontane and absolute doctrines. Vastly well; but let him refer their Lordships to what was the history of this change. A diocesan government had been at all times desired by the Roman Catholics, instead of the rule of vicars-apostolic. So long ago as under the Administration of Mr. Pitt, this change was desired by the Government of this country. Sir J. Hippisley, who was empowered to negotiate this matter between the Court of Rome and this country, said, in 1812, in a speech in the House of Commons—

> "That he obtained from Pope Pius VI., as well as from his principal Ministers, a declaration that such a reform would be granted whenever it should be desired by our Government."

This was in 1794. Mr. Pitt's Government thought it best to have no direct communication with the Court of Rome, and he did not ask for this change; but that it was desired by him and by the Government of that day, was attested by the frequent speeches of Sir J. Hippisley. This change was not only desired by Mr. Pitt and other Members of his Government, who might be said to be inclined to despotic principles, but let him direct their Lordships' attention to the opinions and writings of an hon. Baronet, who was certainly no lover of despotism, who was one of the friends of the people in 1792, who was connected with the father of the noble Earl (Earl Grey), at that time Member for Northumberland. This hon. Gentleman was not only a man of extreme liberal opinions, but he was a Whig, and something more. In his letter to the Catholic clergy, urging the appointment of bishops instead of vicars-apostolic, Sir J. Throckmorton said—

> "Our present government by vicars-apostolic is, then, contrary to the rules of the Church, the practice and regulations of the apostles, and was unknown in the purer ages of the Christian religion. Nor is there any power in the Pope which can legalise so irregular a system; nothing can justify it but absolute necessity. If it be proved that our present method is the only one by which we can obtain bishops, it would doubtless be better to acquiesce in it than to be totally deprived of their essential ministry. But this pretence has not been mentioned, nor is there the least ground to allege it. It must appear that a more easy and certain method may be adopted; and, as the laws of the Christian Church require it, is it not our duty, Gentlemen, to take the necessary steps to put it in execution?"

Ought their Lordships, then, to consider the establishment of regular bishops in the place of vicars-apostolic so gross an invasion of the prerogative of the Crown as it was represented by the noble Marquess, and as a proof of the despotic tendencies of the Court of Rome? In addition to the opinion of Sir J. Throckmorton, he might quote the statement of a right rev. Prelate, whom he did not then see in his place, the author of the *History of the Church of England*, who said, speaking on the subject—

> "The real difference between the bishop of a see and a vicar-apostolic is, that the commission of the latter is only during the Pope's pleasure. Ireland has Roman Catholic bishops of her own, who are independent of Rome as far as Roman Catholics can be; and the members of that communion

in England have much reason to complain that they have never been allowed this privilege."

He therefore thought it trifling with their Lordships to pretend that that which was desired by men of all parties—by the Catholics themselves by their petitions over and over again—should be spoken of in the terms used by the noble Marquess. Be it recollected, too, that the real practical effect of the change to the Roman Catholics—for to their Lordships the effect was the same—was, that the Pope somewhat divested himself of the power he now possessed by the substitution of ordinary bishops for vicars-apostolic, for over the vicars-apostolic he could act as he pleased. He might recall them at a moment; they were merely his deputies and agents; whereas the bishops in ordinary could only be deprived for canonical offences canonically proved, and were, as much as Roman Catholics could be, independent of the Pope, certainly much more so than the vicars-apostolic.

But the noble Marquess had discovered that this was not only a violation and an aggression against the honour and independence of the nation, but he had also discovered that this act was illegal by the actual law of the land. Now, he could not assent to that doctrine. The Government had revived an obsolete statute, that had slept for 250 years, for this purpose—a statute, the existence of which, so far as its applicability to the present circumstances was concerned, had been unknown for that time. They had declared that such was the law. The noble Marquess had referred to the case of Robert Lalor, in the time of James I., the only unhappy instance in which this statute had been put in force. The noble Marquess had referred to the trial of Lalor, and he (the Earl of Aberdeen) wished to show, in the first place, that this statute of *præmunire* had no application whatever to the act that had now been performed. Whatever Lalor's case might have been, the law was not applicable to the case of the late Rescript. If it were, then all he could say was, that it was quite as much applicable to the appointment of vicars-apostolic as to the appointment of bishops in ordinary. Why, Lalor himself was only a vicar-apostolic, and was proceeded against accordingly. If their Lordships would permit him to read an extract from Sir John Davis's report of Lalor's case, they would see that that law was applicable to a state of things entirely different from that which now existed, and originated in motives altogether of another kind. Sir John Davis, giving a history of the statute of *præmunire*, said—

"The (the Commons) complain that by Bulls and processes from Rome the King is deprived of that jurisdiction which belongs of right to his Imperial Crown; that the King doth lose the service and counsel of his prelates and learned men by translations made by the Bishop of Rome; that the King's laws are defeated at his will, the treasure of the realm is exhausted and exported to enrich his Court; and that by those means the Crown of England, which hath ever been free, and subject unto none, but immediately unto God, should be submitted unto the Bishop of Rome, to the utter destruction of the King and the whole realm."

Thus the statute 16th of Richard II. was enacted to prevent the translations of prelates to Rome, to prevent the appointment of foreigners here, and the export of the treasure of the country to Rome. If the Pope had been satisfied to create fifty bishops, provided they had confined themselves to spiritual matters, and did not interfere with temporal affairs and the regalities of the King, he would have been made perfectly welcome to do so, so far as the framers of this statute were concerned. It was the temporal rights and claims which belonged to the prelates of the Court of Rome in that day that induced the Crown and the Parliament to resist the pretensions of that Court. But the law of *præmunire* did not in the least apply to the new Roman Catholic bishops, who possessed no authority except that which their own followers conceded to them—who were all Englishmen—who were not going to export any treasure to Rome—who were perfectly welcome, so far as he (the Earl of Aberdeen) was concerned, to transport themselves to Rome—and whose temporal jurisdiction in this country was purely imaginary. The statute of Richard II. had, then, no application to the present case; but the Government had revived this Act by the first clause of the present Bill, and in a shape in which the most frightful consequences would ensue. The first clause made the appointment of these bishops unlawful and void. All the acts which these parties performed, therefore, were unlawful. The bishop who might consecrate, the bishop who was consecrated, and the priest whom the bishop might ordain, were all concerned in acts which were illegal and void. There was a highly venerated prelate who had acted with the universal respect of all who knew him—he meant the Roman Catholic Archbishop of Dublin. He was an aged man, and might soon be removed from his present sphere of useful action. His successor would be appointed by the Pope; but the archbishop himself and all concerned in his consecration were to be guilty of an unlawful act. Let their Lordships see what awful consequences must ensue. If the acts performed by the bishops were void, then the marriages celebrated by the priests they might ordain, the ordinations of the priests, and every act of the bishops so consecrated, were, under the first clause of the present Bill, null and void. In consequence of this declaration of the law, under these ancient statutes, it had been laid down by high legal authority that an indictment might be framed against any of the persons exercising "jurisdiction, authority, or pre-eminence," by virtue of the Papal Bull; and this without the permission of the Attorney General, but simply as proceeding against a person guilty of an unlawful act, for a misdemeanor. Now, if this were so, it opened up such a prospect that he really was unwilling, by any description, to encounter the circumstances which would follow from such an arbitrary and tyrannical law. There might be a difference of opinion among legal authorities respecting the extent of the consequences to which he referred; but at all events, with such a declaration of illegality and nullity, the most serious alarm was fully justified.

He would dwell no more on that part of the subject, and he proceeded to notice what the noble Marquess had urged relative to the violation of the supremacy of the Crown, and the contempt that had been shown, according to the noble Marquess, to the rightful prerogative of Her Majesty. Indeed, this had almost been made a question of loyalty. The country had been called on to come to the succour of the Queen of this realm. If he thought that there was any peril of this kind, most assuredly there were few men in their Lordships' House who would more readily respond to that call than himself; but, believing that any danger of this kind was a mere chimera, he could not listen for an instant to such a call as that. He wanted to know how the supremacy of the Crown had been evaded. They could not expect the Pope to acknowledge the ecclesiastical supremacy of the Queen. They might as well expect him to approve of their Reformation. The Pope had acknowledged her practical and temporal power, but Her spiritual supremacy he could not acknowledge, and he acted over the Catholic members of his Church as if the Reformation had never occurred, and as the supreme bishop of the Christian world. But he wanted to know what this supremacy of the Queen was at present. He knew what it used to be; the denial of it was punished with death; but fortunately the supremacy of the Queen was not the supremacy of King Henry VIII., that sanguinary butcher, who made himself the Pope of this kingdom, and took upon himself the whole power of the keys. But the precise limits of that supremacy had never been accurately traced out and defined. Should their Lordships appeal to the right rev. Prelates for information on this point? He thought not; for they had had great difficulty in describing it for themselves. A short time ago an address was presented by the right rev. Prelates to Her Majesty upon the occasion of this so-called aggression. They might on such an occasion be expected to describe that of which he now so anxiously desiderated an explanation. In the first address to the Queen which was drawn up they said—

The Earl of Aberdeen

> "An unparalleled insult has been offered to Your Majesty's prerogative, and to the Church of which Your Majesty is the earthly head in this kingdom."

An exception was taken to this, as an incorrect description of the Queen's supremacy. It was said that the Queen was not the head of the Church in any such sense as was here set forth, and the phrase was corrected. The next attempt, made in the course of a week, was as follows:—

> "An unwarrantable insult has been offered to the Church in this kingdom, over which Your Majesty's authority is supreme."

Even that was not quite the thing, and, after a little further reflection, the right rev. Prelates fell back upon safe ground—upon the words of the 37th Article, which they had all signed, and which they knew must mean something, although it was not very easy to say precisely what. The right rev. Prelates finally adopted the following words of the 37th Article:—

> "An unwarrantable insult has been offered to the Church and to Your Majesty, to whom appertains the chief government of all estates of this realm, whether they be ecclesiastical or civil."

Nobody could be displeased with this, and he (Lord Aberdeen) certainly could not object to it. This, then, was the supremacy which was so much valued, and the invasion of which struck the noble Marquess with such alarm. After all, this supremacy was treated somewhat cavalierly by Her Majesty's Government two years ago, when the noble Lord, now the First Lord of the Treasury, among various devices to introduce the Jews into Parliament, in 1849, brought in a Bill which repealed the supremacy. Now, if this supremacy were so sacred, he thought it was rather disrespectful treatment to repeal that oath of supremacy so far as Members of both Houses of Parliament were concerned. But let their Lordships go a little further. He need not inform their Lordships that the spiritual supremacy of the Queen was utterly rejected by the Church and people of Scotland, and by the Episcopal Church in Scotland. The Pope could not interfere with the ecclesiastical supremacy of the Queen in Scotland, for there was none there in existence. In Scotland, however, the Queen must have seen that those who denied Her supremacy were among Her most loyal, devoted, and attached subjects. Therefore, although he (the Earl of Aberdeen) was quite willing to acquiesce in that supremacy, so far as he understood it, when in Scotland all religious denominations utterly repudiated it, he could not consider it so much endangered by the late Papal Rescript of which the noble Marquess complained. The Episcopal Communion in Scotland acted without the slightest reference to the authority of the Queen and the Government. A respectable gentleman in his parsonage in Essex very recently found himself made a bishop, and translated to the see of Moray and Ross. A few years ago a new see, the bishopric of Argyll and the Isles, was founded, established, and endowed by the liberality of a prelate of that Church. Let not their Lordships forget that prelacy was abolished in Scotland—nay, that it was prohibited in terms ten times more severe than any of their laws against the Roman Catholics. He wished these respectable gentlemen to call themselves what they pleased, and to allow their flocks to obey them accordingly. The Government had in this Bill provided a clause to which he gave his entire concurrence, and he only wished it was extended to Roman Catholics. The clause said that the Act should not extend or apply to any bishop of the Protestant Episcopal Church in Scotland; but that nothing in the Act should give any right to any such bishop to assume any name, style, or title which he was not by law entitled to assume or use. That was exactly the feeling he wished to see displayed towards the Roman Catholics. He would recognise them in the same way. He would not give them any legal right or authority, but he would acknowledge them exactly as the present Bill acknowledged the bishops of the Episcopal Church of Scotland. He could see no difference between the two cases. That description of the condition of the Episcopalian Church of Scotland was the wise and just mode of dealing with the Catholic Church; and if they failed to do so, their Lordships would witness the universal feeling of disappointment and resentment, produced by measures so unjust, in the minds of their Catholic fellow-countrymen. It could never be supposed that he had said anything against the respectability of the Episcopalian Church of Scotland. He honoured, esteemed, and highly venerated the prelates of that Church, and he knew the great blessings which attended upon their ministrations, and had always regarded them with the utmost respect. He thought they had got all they ought to have, and he desired to have no more for that great body of our fellow-Christians the Roman Catholics.

The noble Marquess told their Lordships the prerogative of the Crown was in danger also. If the act of the Pope had given any temporal power or authority to the new bishops—if it had qualified them to be introduced as Members of that House—they might indeed think that the prerogative had been invaded; but to say it was in danger because the Pope made a Bishop of Birmingham or Nottingham was surely wrong, because Parliament had only to ignore, as they ought to do, and as the law already did, the existence of the new bishops. By the way, since Roman Catholic bishops were named to these new sees, he thought it would be a very good exercise of the prerogative to appoint Protestant bishops to them. Had the act of the Pope done anything to impede this exercise of the prerogative in this manner? Nothing whatever. It was said that there was a practical interference with the Royal prerogative, because the new prelates were named by a foreign prince. But had they just discovered that the Pope was a foreign prince? That might be a very good reason for not tolerating or for counteracting his designs; but it was too late to make that discovery when they had agreed to give full toleration to the Roman Catholics in this country, and had done that, knowing that the bishops of that Church could not be named except by a foreign prince.

The arrogance of the act had been strongly dwelt upon: he did not defend it; but to complain of the arrogance of the Pope, was to complain of his existence, because that arrogance was inherent in the character of his office: and from a person who told you he was the vicegerent of God upon earth, there was an end of all humility, even although he added that he was *servus servorum Dei*. The expressions *regere et gubernare* were stereotyped terms, used upon all similar occasions, and it was preposterous to suppose for a moment that they were used with a view to insult the Crown or people of this country. In Prussia their Lordships would find the same inflated language as had given such offence here; but, as the assumption was that of spiritual authority only, it could not be in the least degree connected with an aggression upon the temporal authority of the Government. A great sensation had been created by Cardinal Wiseman talking of governing a certain district; but he only meant that he should govern as Roman Catholic bishop in ordinary; and his speaking in that sense was no insult to the Government of Her Majesty as Queen.

The noble Marquess had said that we had to deal with a foreign Power, and not with our Roman Catholic countrymen; but if this Bill were intended to resent an act of insolence, it proceeded to do so in a strange way, for the Bill did not affect the foreign Power whence that act of insolence proceeded, but its vengeance was confined to the Roman Catholic subjects of the Queen in this kingdom. The Pope, it was said, insulted this country; and in return the country was called upon both to insult and oppress the Roman Catholic subjects of the Queen. If the offence was such as had been described, and the indignation of Her Majesty's Government was so uncontrollable, it was an offence amenable to public law, and ought to be proceeded against by the State, diplomatically or otherwise; and, instead of enacting some wretched penalties against those whose religion compelled them to obedience in this matter, they ought to have addressed themselves to the fountain-head. He knew it might be said, as it had been said, though not by the noble Marquess opposite, that Her Majesty's Government to a certain degree had been precluded from taking that course by what had happened in that House in 1848, when a Bill was brought in to establish diplomatic relations with the Court of Rome, and when a clause was proposed and adopted prohibiting the reception here of any Nuncio from the Pope. That might be a very good reason by the way of pretext, but it was no reason that had any force or validity; for there was nothing in that circumstance to prevent the necessary communications with the Pope on this subject. Look to the great Protestant Power on the Continent—Prussia. That Power had always a Minister at Rome, but refused to receive a Nuncio. Look at Russia, a great schismatic Power. She also had a Minister at Rome, and never received a Nuncio. Hanover had a Minister at Rome, and, he believed, though he would not be positive, that Power never received a Nuncio. Therefore, he asserted that the clause he had referred to offered no impediments to the Government making known their opinions on this subject to the Pope. He had voted for that clause; and, upon reflection, he was of opinion that he did right in so doing. He was still of opinion that it was not desirable to have a Papal Nuncio in this country, for many reasons. In the first place, their Lordships would recollect that by the Treaty of Vienna precedence was given to foreign Ministers according to the date of their arrival at their posts. An exception—a special exception—was made in favour of the Nuncio of the Pope; and, by the effect of that, if a Nuncio were to be in this country, he would take precedence of all ambassadors and foreign Ministers. This was ever shown to be the case; at Paris, for instance, where Her Majesty's Ambassador had resided for five or six years, upon all occasions, public and private, he gave way in precedence to the Pope's Nuncio. He thought such a state of things would not be desirable in this Protestant country. Their Lordships would recollect that recently, just previous to the holding of that august ceremony by which Her Majesty in state opened the Great Exhibition, which had given so much satisfaction, an official notice appeared that the senior member of the diplomatic body would address Her Majesty on the part of himself and colleagues. That notice for some reason, the nature of which he did not know, but which probably was very sufficient, was not acted upon; but had it been acted upon, then, instead of the highly respected gentleman who would have represented the diplomatic body on that occasion, the Pope's Nuncio, if he had been sent to and received in this country, would have addressed the Queen. Now, he was not quite certain that it would have been altogether seemly and becoming that a Roman Catholic prelate, for such he must have been, should have immediately followed or preceded the most rev. Prelate (the Archbishop of Canterbury) in the solemn duties he was called on to perform upon that day.

With respect to the proceeding which had led to the introduction of the present Bill, he repeated that no step was taken in the way of resenting what was called aggression against the quarter whence it proceeded. After all, among the persons who had the most reason to complain, was the Pope himself, for if they had endeavoured to entrap him into this act, they could not have taken any better course than that which they had pursued. The whole course of their recent legislation had had that tendency. Look at the Bequests Act. If that Act did not actually describe the Roman Catholic bishops with their sees, it contemplated the existence of Roman Catholic bishops with successors; and the Dublin Cemeteries Act described Archbishop Murray as Archbishop of Dublin, and allowed him and his successors to appoint chaplains. In the colonies they had done exactly all that the Pope had done in this country; and Roman Catholic bishops had been appointed in the colonies, and had received titles without objection. It was, therefore, strange that an act which had been done over and over again, should now excite such indignation in this country. Again, honours had been conferred on Roman Catholic Prelates at Her Majesty's Court, and, though those honours conferred no legal station or right, still, when they were reported to the Court of Rome, they must have encouraged the Pope in a proceeding which, on his part, was one of a perfectly regular and ordinary character. The noble Earl (the Lord Lieutenant of Ireland), in a published letter addressed to a right rev. Prelate, but manifestly intended for the perusal of the Pope himself, had spoken of his Holiness with the most profound respect. The noble Lord the First Lord of the Treasury had expressed himself in such terms as must have made the Pope confident that he was committing no offence in the step he had taken. In 1844 the noble Lord said—

> "You provide by statute that they shall not be allowed to style themselves by the name of the diocese over which they preside. I think that a most foolish prohibition."

In 1846 the same noble Lord said—

> "As to preventing persons assuming particular titles, nothing can be more absurd and puerile than to keep up such a distinction."

These were strong expressions; but they were made when the noble Lord was in opposition, and such declarations, perhaps, were not always to be taken as accurate exponents of the sentiments of a Minister. But here was what the Prime Minister said in 1848. Lord John Russell then said—

> "I do not know that the Pope has authorised in any way, by any authority he may have, the creation of any archbishopric or bishopric with dioceses in England; but certainly I have not given my consent—nor should I give my consent if I were asked to do so—to any such formation of dioceses. With regard to spiritual authority, the hon. Gentleman must see, when he alludes to other States in Europe, that whatever control is to be obtained over the spiritual authority of the Pope, can only be obtained by agreement for that end. You must either give certain advantages to the Roman Catholic religion, and obtain from the Pope certain other advantages in return, among which you must stipulate that the Pope shall not create any dioceses in England without the consent of the Queen"—

(Therefore the noble Lord took for granted that the Pope could create dioceses without the consent of the Queen),

> —"or, on the other hand, you must say that you will have nothing to do with arrangements of that kind—that you will not consent, in any way, to give any authority to the Roman Catholic religion in England. But then you must leave the spiritual authority of the Pope entirely unfettered. You cannot bind the Pope's spiritual influence unless you have some agreement. For my own part, I am not disposed to think that it would be for the advantage of this country, or that it would be agreeable to the Roman Catholics, that we should have an agreement with the Pope by which their religious arrangements should be regulated."

He (the Earl of Aberdeen) concurred in those observations, which he thought remarkable for truth and sound reasoning; but then it afforded ground to the Pope for supposing that his religious arrangements would not be interfered with. But there was a noble Lord opposite (Lord Minto) who had or ought to have cognisance in this matter. When the noble Lord was at Rome, on the 22nd of January, 1848, there appeared in the *Roman Gazette* an account of a ceremony—the consecration of a church, he believed—for which funds were to be collected in England; and the *Roman Gazette* mentioned, among others who were to collect the subscriptions, Dr. Wiseman, "now Archbishop of Westminster." One would have thought that the noble Lord must have seen that. The noble Lord shook his head; and if the *Roman Gazette* had been anything like the gigantic papers here, which required half a life to read, he could have understood its escaping the notice of the noble Lord; but every syllable in the *Roman Gazette* might be read over in ten minutes. The noble Lord might, perhaps, have been so much engaged in driving the Austrians out of Italy as to find no time for such a perusal; but if the noble Lord did not read the paragraph in question, surely some of his family might have been expected to point the noble Lord's attention to it, and it seemed impossible that that which made the conversation of half Rome should not have been brought to the cognisance of the noble Lord. By the Italian papers laid upon the table it appeared that the noble Lord had, on the 23rd of January, a long audience with his Holiness, who, as the matter was in no way remonstrated against, would naturally regard that as an additional reason for supposing that there would arise no ground of complaint against him for taking a step which was now called an aggression. Her Majesty's Government had certainly no right to find fault with the Pope for anything he had done, for they had themselves afforded him every species of encouragement in the course he had pursued.

He had now fatigued the House and himself, but he could not sit down without saying a few words with respect to the fatal effect of this measure on Ireland. Their Lordships were aware that the Rescript of the 29th of September last year only made bishoprics in England, and had no reference to Ireland at all. Therefore the proposed legislation, as regarded Ireland, had been thought by many to be uncalled for; and it was urged that legislation should be confined to England, in respect to which the aggression, as it was called, was committed. No doubt there was plausibility in that view; but he must agree with the Government so far as to think that, if the present Bill was to be passed at all, it must necessarily include Ireland; for to admit that the Queen stood in a different relation in England from that which She held in Ireland, would be to decide the destruction of the Irish Church. The Queen's supremacy was the same in both countries; and if any violation of it had taken place, it must equally be resented in both. But this consideration made him only feel still more strongly that the Government ought to have paused before they made up their minds to bring forward a measure which, without being urgently demanded in England, must necessarily produce such mischievous consequences in Ireland. It had been said that the present Bill was a declaration of war against Ireland. He would not use an expression of that kind; but if the Bill passed, unless it became, as he devoutly trusted it would, a dead letter on the Statute-book, they would never see peace in Ireland. The penalties imposed by the Bill, would, if brought into operation in Ireland, produce consequences he feared to contemplate. By a clause, perhaps the most odious in the Bill, it was provided that any communication with the See of Rome for the purpose of appointing bishops should be visited with a penalty, to be recoverable by an informer, with the consent of the Attorney General. Though that was somewhat different from leaving the matter entirely to a common informer, yet it placed the Attorney General in a position which certainly any law officer of the Crown must feel to be most painful, and against which, as he was informed, the law officers of the Crown had strenuously protested. But the clause, if carried into effect, would be attended with endless difficulties. A refractory priest, censured by his bishop, might go and give information of the bishop having received a bull of the kind referred to; and in a hundred other ways the clause opened the door to vexatious proceedings. He would fain believe that the Government wished to see that clause executed as little as he did; but others might not share in their wishes, and then there would be a renewal of those scenes of discord, animosity, and rancour, which for the last twenty years had been gradually subsiding.

He could not help availing himself of this opportunity of expressing his deep regret at the absence of two noble and learned Lords—two long-tried and able advocates of civil and religious liberty. They were prevented from being present in their Lordships' House that day; but he was in possession of their sentiments, and he knew that, had they been present, they would have expressed the most unmitigated aversion at the step the Government were about to take. Instead of listening to his feeble advocacy of the cause of religious freedom, he wished their Lordships could but have heard, and been persuaded by, the mild wisdom of Denman, and electrified by the fervid eloquence of Brougham. The noble Earl concluded by moving that the Bill be read a second time that day six months.

Amendment *moved*, to leave out "now," and insert "this day Six Months."

LORD BEAUMONT said, that he could assure their Lordships that he had seldom addressed them under circumstances of greater difficulty, or feelings of more embarrassment. The difficulty, however, did not arise from any doubt in his mind as to the course he ought to pursue; but from the peculiar character of the subject, which made it difficult to convey to the minds of others the impression which recent acts had produced on his own. The present legislation on the subject had been viewed from such different points of observation by different parties, that it was difficult to place before them the subject divested of all sectarian prepossessions and partial considerations. This difficulty, however, had in one respect been materially removed by the speech of the noble Earl, inasmuch as the dangers which he anticipated as the consequences of the Bill, and upon which he most dwelt, were completely visionary, as he would presently show; and those very circumstances which the noble Earl had put forth as excuses for the conduct of a foreign Court were rather aggravations than palliations of the offence. When the noble Earl pleaded that the indulgence, if not partiality, shown by the English Government towards Roman Catholics in this country, and their religious establishments, was an excuse as well as an encouragement to commit an act of hostility against the State, and to violate the spirit of the constitution, he (Lord Beaumont) felt, on the contrary, that that very liberality and indulgence on the part of the Government should have been a strong inducement and a motive for the Court of Rome to abstain from anything which might possibly be offensive either to the feelings of the people of this country, or to the dignity of the Crown. Before, however, proceeding further, in considering the question, he must observe that he stood in a peculiar position on this subject. He was, as it were, isolated and alone: he differed from most of those with whom he was connected, and in whom he felt an interest, on the ground of early associations. It was true that he had received many private communications from members both of the clergy and laity of the Church of Rome expressing sympathy with him, and approval of the course he was pursuing; but as those correspondents did not dare to come forward and assert publicly their opinions, he could not avail himself of their support, or claim any advantage from their authority. He was prepared, therefore, to stand alone, and bear the whole responsibility of the statement he was about to make. He knew that his words would be subject to misrepresentation, and that, however clearly he drew the line between spiritual and temporal matters, there were those who would wrest the words which he might use in speaking of the one from their true meaning, and endeavour to make it appear that they were applied to the other. He knew that this, and more than this, awaited him; but he would abide the result, for, on his conscience, he was confident that he was right in principle and right in the line he had pursued. He was right as a loyal subject, right as a friend of freedom, right as an Englishman, and right as a Christian. With these strong convictions on his mind, he would proceed to grapple with the subject. In doing so, he would start by laying down that broad principle which he believed was the principle adopted and acted on by the noble Marquess below him. He would consent to do nothing either by the present Bill or any other Bill, which would interfere in the smallest degree with the most complete civil and religious liberty this kingdom could enjoy. He would do nothing which could prevent the free exercise of religion by any sect, or any body in this country—nothing that could in any way interfere with the full development of what, in a spiritual sense, might be deemed either necessary or desirable in the Roman Catholic or any other Church or religious community. He would, in the first place, examine the position in which members of the Roman Catholic creed stood, as individuals, at the present moment, and then he would examine into the position in which the Roman Catholic Church, as a Church, was placed in by past legislation. By the Emancipation Act, and more recent legislative measures, Roman Catholics, as individuals, were released from all disabilities, and entitled to the most complete freedom. They were at liberty to act as they pleased in the exercise of their religion; no interference was authorised with respect to their devotional habits or religious practices. A Roman Catholic enjoyed in this country, a liberty which he did not enjoy in most foreign countries, and certainly not in any Roman Catholic country. He could worship as he pleased, where he pleased, when he pleased; he was allowed to do as much as he pleased, and was not obliged to do more than he pleased; he was in every way a free agent, and a free agent he (Lord Beaumont) desired that he should ever remain. So far as to their position as individuals; now as to the position of their Church. The Roman Catholic Church in this country was tolerated; it was more than tolerated, it was protected. No one had a right to interfere with it. It was allowed to build its temples, to have as many ministers to officiate within those temples, and to have as gorgeous a ceremonial as it thought fit or proper. It had full liberty to conduct its services and promulgate its ordinances in the manner it thought best; it had free communication with the Pope of Rome; it was at liberty to receive from him as many bishops or archbishops as he wished to send it. It could arrange its internal government without let or hindrance; no one dictated to it, no one assumed authority over it; nay more, it had the perfect power and full privilege of having, if it thought proper, a regular hierarchy. He (Lord Beaumont) would leave it every privilege it now possessed, and he should not be sorry to see those privileges used in obtaining for it something in the nature of a regular national or domestic hierarchy, in the place of vicars-apostolic, or the system lately forced upon it by the *Propaganda fide* in the letters of Pope Pius the Ninth. But be that as it may, such as he had described was the position of Roman Catholics as individuals, and of their Church as a religious community. Could they be better off? Could the subjects of the freest country enjoy greater freedom? Could any religious body be in a more favourable position, which was not a predominant body, ruling and governing over other religious bodies? Here he must lay down another principle, which is necessary to carrying out, to its fullest extent, the great principle of civil and religious liberty, namely, that individual liberty should only be limited where it interfered with the liberty of another individual, that is to say, that one individual should not have the liberty to trample on the liberty of another. In the same way the liberty of one Church should not destroy the liberty of any other Church, any more than the liberty of one individual should go so far as to destroy the liberty of another individual: these limits were necessary to obtain the greatest amount of liberty to all. In the same way the independence of the Church must not destroy the independence of the country; he might go further and say that the independence of the country was necessary for the independence of the Church. That portion of the Roman Catholic Church which was in this country, was more independent than those branches of the Roman Catholic Church which were in Spain or some other countries, from the circumstance of this country being more independent than those countries in their relations with Rome. In fine, the liberty of Churches and individuals must in a certain degree depend on the independence of the country in which they existed. It was necessary to guard against the possibility of any external power possessing the means to coerce or to induce any parties in this country to combine for the purpose of injuring any liberal institution or anything which savoured of national independence, or which was part and parcel of the free and independent action of the constitution of this country. A foreign Power might possess spiritual influence, but ought not to possess spiritual dominion supported and enforced by law; for if it did possess the power of enforcing its spiritual ordinances it would destroy the free action of individual independence. These principles, which their Lordships must continue to bear in mind, led him to the definition of what was temporal and what was spiritual in the subject-matter before them. The whole question as to the merits of the Bill rested upon that ground. It was necessary to examine what was the spiritual character of the Roman Catholic bishops and clergy before the promulgation of the Papal letter; then to inquire what change had been effected by that Papal letter in that spiritual character. Previous to the Papal edict the vicars-apostolic were endowed with full powers to administer in every particular to the spiritual wants of their clergy and people. Nothing appeared to be wanting to their full spiritual character as bishops. He (Lord Beaumont) had been anxious to know and had asked again and again, but without effect, what was the difference in a spiritual point of view in the position and attributes of the Roman Catholic bishops before and after the Papal Rescript. He wanted to know whether there had been any addition or any diminution of their spiritual power and authority. He wanted to know whether there was anything which they could not do of a purely spiritual nature as well without as with the Papal letter. It seemed that the same curiosity had been excited in the minds of the Roman Catholics generally, for they had crowded to hear, as they were unable of themselves to guess, what were the new and extraordinary spiritual benefits to be conferred on them. They had listened to the inflated and bombastic language of Cardinal Wiseman; they had been told "that this country was now to revolve round the sun of Rome in a regular orbit like other planets; they were told that the greatest of blessings was bestowed by the Papal letter on this prosperous land." These and other equally bombastic periods had raised the expectations of the simple-minded Roman Catholics, and naturally made them impatient to know and enjoy the promised blessings. But, alas! how were all these expectations answered; what explanations given to all these inquiries? Why, that so far as spiritual affairs were concerned, no change whatsoever had taken place. Why, that so far as the Roman Catholic laity were concerned, that they were just in the position they were in before. Why, that as far as the Roman Catholic bishops were concerned, they were just the same bishops they were before—that nothing had been gained—that nothing had been lost—that nothing had been changed. His authority for all this was Dr. Wiseman, whose very words he would quote, and to whose published lectures alone he would refer. And here, in passing, he begged to say that he (Lord Beaumont) had little personal acqaintance with Dr. Wiseman, but that he knew him to be a gentleman and a scholar, and that he desired to be understood as speaking of him as such, however he (Lord Beaumont) might differ from him regarding the wisdom of his acts, or the propriety of his conduct in a political sense. Dr. Wiseman then said, speaking of the bishops—

> "He is not, and will not be one atom more a bishop than he was before; not one of them extends in any way the limits of his ecclesiastical jurisdiction; not one of the bishops acquires the smallest increase of jurisdiction or authority over clergy, or laity, or property, or trusts, or any person or thing. Every bishop is where he was, as he was, what he was before."

The sacraments would be as well administered, the services as well performed, and both would have the same effect, and no other effect. They might now meet in synod, but they might have done so before if they liked, for then as now there was no law to prevent synodical action if they chose to adopt it. They enjoyed, in other words, the freest self-government. Now, if this were true, and he had it on the authority of Cardinal Wiseman himself, he (Lord Beaumont) was warranted in assuming that, as regarded the spiritual character of bishops, there had been nothing changed—that their spiritual attributes were complete before, and that, as far as the spiritual necessities of the laity were concerned, no change whatsoever had taken place, nor was desired to take place, in administering to them. Now the same authority said that some change had taken place, and as that change was not of a spiritual character, it must of necessity have been of a temporal character. It was necessary, therefore, to draw the distinction between what was temporal and what was spiritual in the creation and nomination of a bishop to a see or a diocese. The whole was an ecclesiastical act, one part of which was spiritual, and the other part purely temporal. The creation of a bishop was a spiritual act; the imposition of hands upon a bishop, and the giving the pallium to an archbishop were acts of a spiritual character, and could only be performed by a spiritual authority. By these acts full spiritual powers were given. The Pope had thus complete liberty to bestow full powers on his bishops, whether they were vicars-apóstólic or members of a regular hierarchy. No one objected or objects to his creation of as many bishops as he likes. He may send a hundred bishops or archbishops to this country; he may describe and fix the districts within which they are to exercise their functions; he may limit their jurisdiction to a county, a town, or a parish; he may, if he thinks proper, desire them, for convenience' sake, to give themselves each a distinctive designation; he may desire them to call one the Roman Catholic Bishop for Birmingham, another the Roman Catholic Bishop residing at Beverley, or that such a one should be Archbishop of the Roman Catholics of Westminster; he might have done all this before his edict; he might do it now; and he may do it after the Bill passes. This, however, is not what he has attempted to do. He was not content with the liberty he enjoyed, because that liberty did not go beyond the limits of the exercise of spiritual power. What, then, has he attempted to effect by these Letters-Apostolic? He has not, as has been already shown, done anything which affects the Roman Catholic laity. It was, however, well known to their Lordships that the laity of the Roman Catholic body were entirely excluded from the business of their Church, and were never consulted, and consequently had no voice in its government. Their duty was to obey; but that did not prevent them from pertinaciously inquiring if any change, and what change, in the position of their clergy had taken place. The answer, as he (Lord Beaumont) had already said, was, that no change in their spiritual character had taken place, and no change as regarded their position with the laity had taken place, but that nevertheless a change had taken place. The only conclusion, therefore, they could draw from the answer was, that the change was one of a temporal nature, and one which did not affect, and was therefore a subject of indifference to, the laity. Now, in the creation and appointment of a bishop to a diocese, there is a temporal part as well as a spiritual part, which together compose the complete ecclesiastical act. Throughout Europe, if the Pope makes the bishop, the Sovereign appoints to the see. The Pope in that case does all that is spiritual, and the Sovereign all that is temporal in the act. To a diocese certain temporalities appertain, and no subject can enjoy or administer these temporalities without the consent of its Sovereign. In the present case, however, as no temporalities were acknowledged as by law appertaining to the new sees which the Pope had created, no attempt had been made by that Act to transfer to an intruder the rights and privileges belonging to another. But though this consequence did not follow the recent act of the Pope, the appointment of a bishop to a see in an independent country was a purely temporal act. To prove this, he would quote an illustration from a recent act of Pio Nono himself. The King of Naples nominated a bishop to a see; the Pope consecrated the bishop in consequence. The King, finding the bishop too liberal a politician for his purpose, changed his mind, and refused to give him the see. He appointed another. The Pope consecrated the new bishop, who took possession of the see, the Pope in neither case disputing the right of the Sovereign of the country to nominate or to recall his nomination. A similar case has occurred in the same kingdom very recently. The bishops, however, were still bishops; and to prove still further the rights of the King of Naples to deal as he liked with his sees, the Pope appointed the bishops to bishoprics *in partibus.* He (Lord Beaumont) quoted this instance in preference to others, because, of all the sovereigns of the present day, the King of Naples was the most sincerely and devotedly attached to the See of Rome; and because the Pope, on the other hand, considered the King of Naples as the most devout and most dutiful son of the Church. It was evident that in this case the King on the one hand, and the Pope on the other, considered the appointment of a bishop as a purely temporal act. Now, it was a generally, or rather universally-received principle, that where there was the exercise of the temporal power, the Sovereign in whose dominions it was to take effect must have some say in the affair. The line which limited the spiritual portion of an ecclesiastical act, and defined where the temporal portion began was in some countries arranged by concordat, and in others by the common law of Europe. In both instances, however, the practice as well as the theory was the same. He (Lord Beaumont) had searched in vain for an instance to the contrary. Throughout Europe, sovereigns act as a matter of course in the appointment of bishops to their dioceses. Now, the Pope cannot and would not delegate any of his spiritual powers to any layman; therefore, in the case of a concordat the Pope must have considered the appointment to a diocese as a purely temporal act. Surely, then, if the appointment to a diocese is a temporal act, the creation of a diocese must, *à fortiori*, be a temporal act. It follows that it is a much greater usurpation of the temporal power and prerogative, inasmuch as it is purely an act of sovereign authority. So tenacious had been even the weakest sovereigns and smallest states of this their undoubted prerogative, that any attempt to create a diocese, or otherwise to interfere in the territorial arrangements of their kingdoms had been invariably considered a *casus belli*. Even Parma and Ferrara, when independent, resisted such usurpation. He thought that he had now made out and proved the broad distinction which was drawn between what was temporal and what was spiritual. To the spiritual power of the Pope he would give the fullest liberty consistent with the liberty of the subject and the law of nations. He could not, however, leave it either to the Pope or to the Roman Church to interpret what was spiritual. The Pope and his adherents had shown their incapacity or at least unfitness for the task. For according to their doctrines they could comprise every act of sovereignty or of tyranny within the term of spiritual authority. - He (Lord Beaumont) must protest against the doctrine recently put forward by some Roman Catholics in this country that the spiritual power of the Pope ought to extend to the limits which he, the Pope, in his infallibility thought proper to assign it. Such doctrine is Roman, and not Catholic, it is local and not universal, suited to the interests of the Vatican, and hostile to the welfare of distant churches; and would, if generally adopted, extinguish the independence of every Catholic country, and make Europe a mere jumble of conflicting jurisdictions. Such doctrines ought not to have come from either Englishman or freeman, for they were neither the doctrines of independence nor of common sense, but of slavery and usurpation. The declaration to which he had just referred was found in a published pamphlet signed by several Catholic Peers and other persons of that persuasion. He could not say they represented the intelligence of the Roman Catholics, but they professed to represent the body. He (Lord Beaumont) opened the pages in the hope of finding a statement of their rights, both as subjects of this country, and independent members of the laity. But to his horror, on looking into this precious document, he found that instead of boldly standing, as their ancestors had done in the time of Edward III., against all foreign usurpation, whether from Rome or elsewhere, instead of disowning any thought of submission to that tyrannical code which now regulates all things temporal, social, and domestic, within the Papal dominions—instead of finding the words of freemen, he found the following humiliating sentence:—

> "We declare that the exercise of the spiritual authority of the Pope, belonging to him as the successor of St. Peter, can only be limited by his own free act and concession."

He would read no more; but he begged their Lordships to mark the consequence of this concession. Why, any deed, however monstrous, done by a Pope might thus be defended. All acts done by the Popes were declared by the Popes themselves to be mere exercise of their spiritual authority. The excommunication of Queen Elizabeth was a purely spiritual act—the celebrated Bull, *in cœna Domini*, was a purely spiritual act; so, too, was the anathema against King John, so was the Bull *Unigenitus*. The condemnation of the Queen's Colleges, and every other interference with the domestic arrangements of the country, were proclaimed as being mere exercises of spiritual authority. Modern civilisation, as well as the true spirit of Christianity, revolted at the acts and edicts of several past Popes; yet they were all done and proclaimed as the due discipline and spiritual authority of the Church. They could not be impugned without condemning the interpretation put by the infallible head of the Church on the character and extent of his spiritual power. To this doctrine, then, as laid down in this printed declaration of the Roman Catholic laity, he (Lord Beaumont) could not agree. He could not agree to allow the Pope to fix himself the limits of his spiritual jurisdiction; he could not allow the Pope any right to do any of the acts to which he had just referred. Neither could he agree that one sovereign had a right to throw in the face of another sovereign a document which ignored the existence of that other sovereign. He found no excuse for any Court in Europe addressing the subjects of another nation, as though those subjects had neither laws nor institutions which they were bound to obey and maintain. It was said that such was the usual form of such edicts; but in that he could find no excuse. What spiritual end or moral good could be obtained by using language which, taken in its plain and simple meaning, heaped insult on insult—which was offensive at once to the dignity of the Crown and the institutions of the country—which was certain to wound the feelings of the susceptible, and excite the ridicule of the indifferent—which, literally translated and put in force, would amount to an overt act, in total violation of the common law of this country; nay, he would go further, and say, of the common law of any independent country, in fact, of the common law of nations.

He (Lord Beaumont) was sorry to hear the noble Lord defend the Letter Apostolic on the ground he had been combating, namely, that it was merely a spiritual act, and, therefore, merely spiritually binding on the consciences of those who were the willing subjects of the Church of Rome. Of course such subjects feel bound to religiously obey the spiritual commands of the Pontiff. They must, therefore, violate their consciences if they do not do that which the edict commanded them to do. The edict commands them to do that which is, and will be, declared to be unlawful. If it were merely a temporal matter they might, without offence to their religious feelings, decline to obey; but, as it is a spiritual matter, they have no choice left them. The noble Earl is perfectly correct that the act of the Pope was words without effect, that it had no force, that it could receive no effect from law, that no one was obliged to attend to it, that it did nothing, and undid nothing, and that, therefore, it might have been safely treated with the contempt it deserved, and that such a paltry display of impotent arrogance was not worth all the fuss that had been made, or taking any more trouble about. To a certain extent he (Lord Beaumont) agreed with the noble Earl; he thought that a ridiculous assumption of power had created more irritation than it merited; but, after all, ridiculous as it was, it was nevertheless an infraction, and an offensive infraction, of the spirit, nay even of the letter, of the law of nations. Government were therefore justified in noticing it, and he felt justified in supporting them. He would now consider in detail the position in which the late Acts were calculated to place the Roman Catholics of this country as subjects. He must remind the House that the hierarchy, professed to have been created, was not a hierarchy elected from among themselves and by themselves, but a hierarchy nominated and governed by the Propaganda. Upon this subject, namely, the nature of the hierarchy, he (Lord Beaumont) had received a great many letters from different quarters. Most of them, however, were written by Roman Catholic priests, but as the consequences might be serious to them if they were known to have made the communications to him, he would not mention the names—he would only say that two or three of them were men of distinguished ability, and he believed all of them men of sincere piety. He would quote one as representing the feelings of many. That one said—

> "A very general feeling exists among the English Roman Catholic clergy against being any longer under the Propaganda, even in spirituals, because it is a secret, exceptional, and despotic tribunal, that sets aside election arbitrarily, as in the cases of Wiseman, Cullen, and others, and is not tolerated in any Catholic State or real hierarchy."

Now it had been said, that by the late Rescript, instead of increasing his power, the Pope had abandoned a portion of the power and influence he had previously exercised over the vicars-apostolic, giving it out to be understood that he had done away with the power of the Propaganda over the bishops of this country, and that instead of being arbitrarily appointed at Rome, against the wishes of the general body in England, the bishops in this country would be elected exclusively by the portion of the Church that was in this country. In Ireland, up to a recent period, the Irish bishops and clergy had enjoyed many of the privileges, and were invested with many of the attributes of a regular hierarchy. The appointment of bishops in that country partook of the nature of a national or domestic arrangement. The clergy themselves selected three names, and placed *dignus*, *dignor*, *dignissimus* before them, according to their ideas of their merits. The Pope invariably consecrated *dignissimus*. He (Lord Beaumont) would be very sorry to see the Irish bishops lose this or any other right of self-government. He wished them to exert themselves to preserve, or rather to recover this privilege, of selecting the most worthy person to fill up the vacant see. Unfortunately that character of freedom and independence, which went to constitute them a real hierarchy and made them national, had been lately interfered with by the Pope exercising arbitrary power over them, and trampling on their hitherto acknowledged rights. He had lately taken no notice of either *dignus*, *dignor*, or *dignissimus*, but sent Dr. Cullen and other Roman favourites to govern Irish Catholics, though they had not been recommended by the Irish Catholic prelates. The same spirit breathes through the Rescript touching England, and had dictated the following passage:—

> "We recommend the aforesaid archbishop and bishops that they transmit, at due times to our congregation of the Propaganda, full reports of the state of their Churches; for we shall continue to avail ourselves of the services of the said congregation in administering all matters appertaining to the Anglican Churches."

From this and similar passages in recent documents emanating from Rome, he drew the conclusion that it was the intention of that Court to draw still closer the ties which bound distant Churches to the Propaganda, and to destroy whatever spirit of independence had grown up in them. More emphatic evidence of this intention, so adverse to the independence of English Catholics, was to be found in a document recently published in the Italian newspapers. It was there stated that the Pope had determined to bring the practice and discipline of his Church in England into closer conformity with the usages of Rome; that he purposed to give to the ceremonies and preaching in this country a character more closely allied to the principles and customs professed and adopted under the shade of the Vatican; further, that it was his purpose to establish for this end a purely Italian Church in London, and to send over to officiate in it native Italian priests as models to their English brethren. Nay, he had been just informed that the very last appointment made to one of the pretended dioceses had been a reverend gentleman from Rome, who had neither received the sanction nor was much to the taste of the Roman Catholic body. But with this he must admit their Lordships had nothing to do. Parliament was not to come to the rescue merely because Rome lorded it over her spiritual subjects here. It ought not to be a ground for legislation, that the Catholic laity or the Catholic lower clergy were oppressed by their superiors. That was an affair among themselves. No one compelled them to submit. Parliament left them to do as they liked; they might obey or they might take no notice of the ordinances of either Popes or Churches. They were left free agents. He, for one, would never ask the Legislature to interfere to protect the Roman Catholics in this country from the overbearing domination of a portion of the priesthood. All this, however, was very well for their Lordships; but in what a painful dilemma were the most zealous portion of the Roman Catholics left! They must either bow down humbly at the feet of the Pope, and implicitly obey his injunctions, however opposed to their national feelings and loyal sentiments, or violate the behests of Rome, and thus quarrel with their Church. They themselves say that—

> "a refusal on our parts to recognise the new bishops, their jurisdiction, their titles, or their sees, would, according to our conscientious belief, be a wrongful act, and a breach of the bond of unity which indissolubly binds us to the See of Rome."

They were therefore in this position, that if they looked on the Pope's act with the eye of the law, and in the spirit of the constitution, they must consider the whole as null and void, and, if carried into effect, a breach of the law. But if, on the contrary, they looked on it as their Church commanded them to look upon it, they must consider it as having effect *suo vigore*, and doing all it pretends to do. In the former case they must allow that the titles conferred with so much pomp by the Pontiff were mere nicknames, and the announcement of the destruction of the ancient sees, and the establishment of a new hierarchy in their place, a harmless parade of idle words. They must say that Dr. Wiseman is only archbishop of the Roman Catholics residing in Westminster, and that no archbishopric of Westminster has been erected. They would agree, in fact, with Mr. Roebuck, who, in language which he (Lord Beaumont) refrained from using, had described the whole affair as a childish, meaningless, ridiculous display of impotence and folly on the part of a helpless priest; they would agree that his apostolical paper was mere waste paper; that as he has no jurisdiction here, he could do nothing here; that he has neither erected or suppressed anything; and that Canterbury and Westminster were just where they were. Of course if this were so, and if the Roman Catholics, not giving implicit faith and obedience to the Rescript, had considered that the Pope had literally done nothing, that he had neither suppressed the rights of ancient sees or created new ones, then all parties could have afforded to laugh at the pompous emanation of the Vatican, and all legislation on the subject would have been worse than idle. It would then have been easy to say that they could not make a law to prevent the Pope giving nicknames, albeit these nicknames were taken from towns and cities in England, and that it was useless to declare bulls and letters null and void because they were so already, and no new law could make them less than they were, because they were already nothing. But now take the alternative. If Roman Catholics could not conscientiously look on the Pope's Bull as a useless, meaningless decree, having no force or effect; if they regarded it as an obligation upon them, and felt bound faithfully to comply with its injunctions, and to give full force to its meaning; if they felt bound to do this, they must violate the law. The Rescript was not for them, as for the noble Earl, a mere form. It never was intended as a mere form; the Court of Rome meant this edict to be what on the face of it it professed to be. It was intended to have the effect of totally annihilating and destroying for ever all the ancient sees and dioceses which existed in this country before its promulgation. It was intended to have the effect of suppressing the ancient archbishoprics of Canterbury and York, with all their rights, privileges, and jurisdictions. The Rescript says—

"We, by the plenitude of our apostolic authority, take away and abrogate all power whatsoever of imposing obligation or conferring right from all customs at whatever period, even the most ancient or immemorial, they may have been introduced; further, whatever regulations in the ancient system of the Anglican Churches may have been imposed, shall henceforth carry no right or obligation with them."

But that was not all. The Rescript went further on to say that—

"these letters-apostolic shall always be valid and in force, notwithstanding all rights and privileges of the ancient sees of England and of all Churches whatsoever, notwithstanding all things to the contrary whatsoever."

Thus the Pope calls on all his faithful subjects here to sweep away the right reverend Bench on his (Lord Beaumont's) left, or, at any rate, the sees in virtue of which they sit, and to establish in their stead one metropolitan, and twelve suffragan bishops. But he was not content with merely this, for he goes on to decree

—"that if in any manner any attempt shall be made by any person or by any authority, knowingly or ignorantly, to set aside these enactments, such attempt shall be null and void."

Why, what was this? Was it not telling the Roman Catholics in this country to hold any act of the Legislature, or any Order of the Queen in Council, which might be opposed to his arrangements, to be null and void, and not to obey them? Was it not actually urging the subjects of this realm to set at defiance the constituted authorities of the country, and to rise in rebellion against the laws of the land? Was not this, under a spiritual guise, promoting disloyalty and disaffection in all those over whom he exercised spiritual authority; was it the act of a friendly Sovereign? was it the manner in which one country at peace with another should act? was it not on the contrary a direct interference in the most important and most jealously-watched interests of this kingdom, namely, obedience to the laws and respect to the Sovereign? Yet this was the very dilemma in which the Court of Rome had wittingly placed some thousands of our fellow-subjects. Would Rome herself have been silent if the Crown of England had acted in the same manner towards it? If Protestant bishoprics had been attempted to have been created there, bibles distributed by the Government here, and the Protestant converts in Italy told to consider any decrees of their Sovereign contrary to the new jurisdictions null and void, would not in such a case the Pope have justly deemed this country guilty of a breach of international law? If so, in what other light could the recent appeal to parties in this country be regarded? They must take the documents of all foreign Powers in their clear and literal sense; and if they did so, they would find one portion of their countrymen engaged in an unhappy struggle between their duties as English citizens, and their obedience as the humble subjects of the Church of Rome. What were these unfortunate Englishmen to do? Were they to oppose the authority of the head of their Church, or were they to militate against the principles of the constitution? Their friends, both in doors and out, told them that it was a purely spiritual matter, as if that was any consolation; why, if it was spiritual, it was so much the worse, for it was then binding on their consciences. The Church used the argument to make them pay greater deference to the edict; the noble Earl and others used it to induce them to make light of it. It was at best an unfortunate argument, and had better never have been stated as a fact on authority. That the spiritual authority should override the temporal authority, is a maxim of the Roman Catholic Church; and if that maxim is applied in this case, the edict of Rome is to override an Act of Parliament. A choice must be made between the conflicting jurisdictions. Rome knew well enough that a struggle must ensue; she thought herself stronger than she has since found herself to be, and therefore knowingly provoked the contest. The noble Earl warned them of the consequences of the application of this Bill to Ireland; he (Lord Beaumont) allowed that it was a misfortune that they were obliged to do this or anything else which might give a handle to those who were ready to create confusion in that unhappy land; but the disturbances and violent proceedings the question had produced or was likely to produce in Ireland was no excuse, but rather an aggravation, of the Pope's offence against the country. It was not a mere error, but a crime, on the part of any foreign Court at peace with this country, to address a large portion of the population of England or Ireland in such a strain as it knew would create civil hostility and social confusion. The fact was, that this act was only a part or portion of a general effort now making in Europe to oppose or destroy liberal institutions. The noble Earl had alluded, albeit indistinctly, to the reactionary movement now in progress on the Continent; and he might have added, that the ultramontane party were the chief allies of that movement. It unfortunately happened that the ultramontane doctrines had for some time past been predominant in the Roman Catholic Church. This, at least, was the case on this side the Alps; a new light, it was true, of a very different character was breaking through the darkness which had so long reigned on the other side, but that circumstance had, at least as yet, no influence on the countries to the north of the Alps. In France, in Germany, in Switzerland, ultramontanism was the doctrine of the majority of those who still adhered strictly to the Catholic religion. It was easy to trace this fact to its source, and show the cause of this effect. It originated in the general indifferentism which pervaded those countries as far as Church matters were concerned; the great body of the educated classes or of the middle classes did not care about the question, and left to a few enthusiasts all discussion on the subject. When a more general zeal for the Roman Catholic faith pervaded the nominal followers of that religion, the Cisalpine party were predominant; but with the indifferentism which has now come over the industrious classes on the Continent, that party relaxed its exertions, and the ultramontanes remained still active in the field. The consequence was, that the whole Church had assumed that character, and a Gallican, or what was called a Cisalpine, is scarcely deemed a true Roman Catholic. The late proceedings taken in the name and by the authority of Rome were a necessary portion of this movement; they were attempts to bring the Roman Catholic establishment in this country into closer keeping with the character of the Church abroad; to give to the Roman Catholics here those ultramontane principles which govern the rampant Romanism of a party on the Continent; and to stifle and root out any liberalism which may have grown up of late years amongst the Roman Catholics of this country. It was an attempt to substitute what was Roman for what was merely Catholic, and to bring over the whole body of the laity (who were well satisfied with their position of equal civil rights) to the narrow-minded, illiberal opinions maintained by a few bigoted converts, who, by their fanaticism, had done more injury to their adopted religion than they had done harm to the faith of their fathers by leaving it; it was an attempt to inoculate with the extravagance and prejudices of those late-converted zealots, those honourable, straightforward Catholics of ancient family who were proud to conform and act up to the spirit of the free and independent constitution of these realms—it was an attempt to introduce priestly rule into what was purely secular, to put the laity beneath the foot of the clergy, and to give to the spiritual power what naturally belongs to the temporal authority. It was, above all, an attempt to introduce, what he hoped he should never see, the interference of the Church of Rome in the educational establishments of this country—to root out of Ireland all schools founded on liberal principles, and open to all persuasions—to destroy the Queen's Colleges, those greatest of blessings ever bestowed on Ireland —to undermine the national system of education, and thus, as it were, to build a wall round Roman Catholics, within which their minds could be trained in the doctrines of absolutism, and that system of blind obedience, which was the cornerstone of Rome—a wall which might successfully exclude those lights of science and literature which encouraged free judgment and free investigation—a wall, in fine, within which something in the way of an *Index Expurgatorius* might be established, which would guard Roman Catholics from everything in modern discovery or scientific progress, which, while it illustrated and reflected the spirit of the age, clashed with the obsolete doctrines and mediæval prejudices of infallible Rome. This movement was a part of that system which suppressed chairs of modern sciences at Bologna — which warred against the Universities of France and Germany— which declared astronomy to be deism, and geology to be materialism—which forbids to its disciples half the literature of Europe, and bans as infidelity all modern philosophy. The end sought for by the promoters of this system was to crush all freedom of conscience and spirit of independence; and because it tended to destroy civil as well as religious liberty, the friends of absolutism, and the advocates of despotic thrones had combined to give it their temporary support. He (Lord Beaumont) believed that they were adopting an unwise policy in so doing, for though they intended only to use ultramontanism as an instrument to forward their own worldly ends, they would find it a weapon which, however dexterously handled, would break in their hands and wound themselves. They thought to gain to their own purposes the clergy and zealous portion of the followers of Rome, and to use their adherence as a tool for opposing the yearnings after liberty in the rising generation. It was for this that Austria had abandoned the wise and useful laws of Joseph II., and it was for this that Tuscany had allowed to be repealed the equally wise institutions of Leopold II. It was for this that both Austria and Tuscany had allowed religious bigotry to disturb those provinces, which before had, in consequence of the law to which he had referred, been, as far as religious questions were concerned, in a comparatively happy and contented state. Now, he (Lord Beaumont) firmly believed that what he had stated was the true character of this movement, and that the special act, to meet which the present Bill was prepared, was a part, and an important part, of that movement. In this full conviction he could not hesitate for a moment to join heartily in any attempt to protest against this daring invasion on the liberties of Europe—this war on the rights of conscience—this war on the principle of free judgment—this war on the very soul of civil and religious liberty—this war against literature and science—in fine, this attempt to force the world back to the barbarism of the middle ages. He did not regard this Bill as a mere enactment against names or the assumption of titles of honour; he looked upon it as a declaration of principle. It was the expression of the will of this country; it was a declaration of national independence in spiritual as well as in temporal concerns. It was an avowal of our determination to oppose all interference with freedom of thought; it was, above all, a protest on the part of this free country against the attempt made to enslave the mind of Europe. A breach of international law had been committed, and an insult offered to the Crown. Government could not remain totally inactive under the circumstances. They must have done something. He would not say that what they had done was precisely that which he should have wished to have seen them do; but there was no choice, and he therefore accepted the measure of the Government in the light of a protest; not a very strong protest, but still a protest, against the spirit of absolutism of which Rome was the fountain-head, and of which the recent Bull was the exponent. He confessed that the details of the measure were not much to his taste. Had he been possessed of sufficient influence, or been the person to have acted in the matter, he would have humbly advised and have pursued a different course. He would have embodied the feeling of the country in a much more solemn and formal protest than the feeble document before them. He would have left pseudo titles and pretended sees unnoticed in their insignificance, and not have legislated against non-existing, though pretended jurisdictions: he would, however, have called to account the real offender, that is, the foreign Sovereign himself. He believed that he had never before in his life agreed with a noble Earl opposite (the Earl of Winchilsea); but on the present occasion he fully coincided in an opinion that noble Earl had expressed in a letter published some months ago. He would, as that noble Earl suggested, have sent a right-trusty servant of the Crown to Rome, and there have demanded a full explanation of the Pope's conduct, and, if need be, ample reparation for the insult. Had this course been pursued at an earlier period, much of the agitation which had shaken the friendly relations of different sects might have been avoided. He did not deny that that agitation had been natural, and even desirable, inasmuch as it was an expression of the national will; but in some instances it had degenerated into sectarian violence, and given occasion to the utterance of language breathing a dangerous spirit of rancour and bigotry. He was disgusted as well as grieved to hear Protestants who professed the doctrines of free judgment, giving vent to unnecessary narrow-minded and intolerant expressions of religious fanaticism. But the intolerance of some and the arrogance of others, was no reason why he should not do his duty by the country, and give his vote according to his conscience. They all knew that as far as the penalties went, the Bill would be a dead letter; but that was not a great demerit in his point of view, for it was as a protest, and a protest alone, that he gave his vote in favour of it. He had now, he trusted, clearly stated both his views of the case, and motives of his conduct. If in doing so he had used any expression which could give offence to any party, either within doors or out, he begged to assure those parties that no such offence was intended. He was anxious for the fullest as well as the most free discussion of the subject, and of his opinions of it. He was ready to listen to the objections and the views of others, in fact he wished the truth of the case to be elicited, and he would assure the noble Lords on the bench below the gangway, that he had their interests at heart, and would do nothing which he believed would injure them; but he must remind them that he had also the interests of the whole community at heart, and that he would do nothing to injure that great British society of which he as well as they were members. It was gratifying to him to have been allowed to have unfolded his mind at such length, and he begged in conclusion to thank their Lordships for the attention and patience with which they had listened to him.

The DUKE of WELLINGTON: My Lords, it was my fortune many years ago to prevail on you to accept the Roman Catholic Relief Act, and I have felt it my duty on all occasions, and under various circumstances, to object to any legislation which interfered with that measure. All its provisions were well considered at the time. They were founded on the petitions presented to Parliament by the Roman Catholics, with the view of obtaining an Act of that kind. All the endeavours which for thirty years had been made in order to obtain what were called securities for the Church, accompanying concessions to the Roman Catholics, were taken into consideration, and after all the Catholic Relief Bill was proposed to your Lordships, and carried through both Houses of Parliament by the aid of very large majorities. I shall always feel it my duty to maintain the provisions of that measure; and, I confess, I viewed with alarm, and felt great concern at, the Bull and other papers which appeared in the course of last year, and under which a hierarchy was appointed by the Pope, and those other proceedings adopted which have occasioned the Bill now proposed to your Lordships by the Government, whose organ is the noble Marquess opposite, because it was apparent to me that it was absolutely impossible to pass over these things without having recourse to some fresh act of legislation. The Pope himself is a man of mild character—he was a popular individual—he sought popularity on all occasions, and he states in the very Rescript which he sent to this country that he was sensible there were two modes of providing for superior ecclesiastical jurisdiction over Roman Catholics in this country, and he discussed in this very paper those two modes of obtaining the object he had in view. One of those modes was the appointment of vicars-apostolic, and the other the appointment of Cardinal Wiseman to the Archdiocess of Westminster; thus creating an archdiocess in a district which includes the Queen's Palace and the seat of the Legislature, and, moreover, establishing in this island a regular Roman Catholic hierarchy, with the seat of an archbishop and several bishops. The Pope took this latter course, and relinquished the old mode of effecting his object, which had been recognised and approved by the Government of this country. Under these circumstances—the character of the Pope being such as I have described—I confess I was anxious to know what could have been the motive for the preference given to the new mode of proceeding. The noble Lord who addressed you just now, with so much honour to himself, knowing the position of the Roman Catholics—knowing the state of opinion at Rome—being sensible that a desire is entertained to stifle liberal opinions in this country, thought he perceived the drift of the Rescript in reading it. For myself, however, I confess I could not discover the drift of the proceeding until I read the attack made by Cardinal Wiseman on the Dean and Chapter of Westminster. Then it occurred to me what was the object aimed at. It was the old object of antagonism to the Established Church of this country, and the course was taken by the advice of Cardinal Wiseman, as he himself states. At the same time at which Cardinal Wiseman published the Rescript which notified his own promotion, he made an attack, entirely undeserved, on the Dean and Chapter of Westminster. I then could doubt no longer as to the object of Rome, and I saw clearly that something like this Bill which I now hold in my hand must be brought under the consideration of your Lordships, or that I must give my consent to certain alterations of the terms of the Relief Act. My Lords, I cannot concur in the proposition of my noble Friend that the Bill shall be read a second time this day six months. Circumstances have occurred which render it impossible for you to return to the position in which you stood before this act of the Pope was committed. The object of the passing of the Relief Act was to repeal all the laws adopted against the Roman Catholics, first at the Reformation; next, at the time of what was called the Popish Plot; and, thirdly, in consequence of the Popish reign of James II., and the War of Succession in Ireland, out of which, and its consequences, grew all the penal enactments against Catholics in that country. It was, I say, the object of the Relief Act to get rid of these altogether. But those who brought forward that Act—those who urged your Lordships and the other House to support it—repeatedly stated that nothing therein touched the laws on which the Reformation was founded. That was cautiously avoided. When we, the authors and promoters of the Relief Act, were charged with having touched the Reformation, we distinctly proved the contrary, and showed that we had done nothing to affect the laws by which the Reformation was established in this country. In 1846, however—in the reign of the present Queen—certain old statutes were repealed, and among them one relating to the introduction of Bulls into this country. If that law had not been repealed, it would have been impossible that the act of the Pope could have taken effect, and, consequently, all fresh legislation would have been unnecessary. Cardinal Wiseman would not have dared to come to England and published the Pope's Bull or Rescript, establishing the new hierarchy. The thing was impossible; it could not have happened. Under these circumstances, I say you cannot return to the position in which you stood when the Roman Catholic Relief Act was passed, or before the Act of 1846 passed, which repealed the penalties attaching to all the Acts with which it dealt, but left the acts themselves standing as misdemeanours. The legislation on the subject stands in this state, that misdemeanours may be committed, but cannot be punished. Under these circumstances, I say you cannot stand on the Relief Act, but must pass a measure to meet the particular act of the Pope complained of, and to prevent the repetition of such acts in future. I have no desire to infringe the religious privileges of the Roman Catholics; on the contrary, I wish them to enjoy every means of following their religion with perfect freedom. I would wish to make no alteration in the Relief Act, but I do not see how this measure can be avoided. I confess I view without apprehension the effect which this measure may have in Ireland. We have had a good deal of experience of the effect produced in Ireland by measures passed by the Legislature. There was the Relief Act. A great deal was expected from that, and it was said that it would put an end to agitation in Ireland for ever. But in the very year—nay, I believe, almost in the very month in which it became the law of the land, Irish agitation recommenced. How often, since then, has the Crown, from time to time, had occasion to complain of agitation in Ireland? How often has the Crown come to Parliament to demand additional powers for the purpose of putting down the agitation, or worse than agitation, existing in that country—the Relief Act notwithstanding? My advice to your Lordships is to do that which is just and necessary to maintain the power and prerogatives of the Crown, and to protect the subjects of this country, and no more; and you may rely on it you will have the support and good wishes of the loyal people of Ireland as well as of this country. Having the misfortune on this occasion to differ from my noble Friend the noble Earl who addressed your Lordships second in the debate, I felt it necessary to trouble you with these few words, to show on what grounds I intend to support the Motion for the second reading of this Bill.

The EARL of MALMESBURY was understood to say, that if he thought the measure was calculated to be at all hurtful to the feelings of his Roman Catholic fellow-subjects, he should not vote for it. But all fear of interfering with their religious principles or privileges had been removed by the speech of one of the most distinguished of its members which he had just heard. His feelings on the subject were those of millions of the people of this country. He admitted that the character of the noble Earl (the Earl of Aberdeen), and the distinguished positions he had occupied, entitled his opinions to great weight; but, at the same time, as Secretary of State of a former Administration, it was his duty to see that the honour of this country should not be attacked or insulted by a foreign Power. Now, the present question he took to be this—that the Pope, a temporal prince, had, in the appointment of those bishops, in the face of Europe, and in the teeth of that great empire, declared that England was his fief, and that he would divide and govern it. It was to prevent the repetition of such an aggression that he recognised the necessity of the present Bill. He knew of no other country in which such conduct would have been tolerated; and he must say that the forms of common civility and common courtesy had been violated by such an unauthorised interference in the affairs of this country. The terms used in the Rescript were not usual in the case of one Sovereign addressing another; nor were they generally used by the Pope himself in addressing other Sovereigns. The noble Earl said, they ought to have attacked the man who had made the aggression upon them, and not their fellow-countrymen. Now, when the noble Earl was at the head of the Foreign Department, he had always considered him a peacefully-disposed person; but it would seem that, if he had been now in office, he would have adopted some other means of redress than the present. If the aggression was not met by an Act of Parliament, he (the Earl of Malmesbury) could conceive no other way in which it could be met sensibly and usefully than by sending one of Her Majesty's fleets to Ancona. The Government, at the same time, might have explained to other friendly Powers that they had no other intention in doing so than to oblige the Pope to retract those appointments which he had no right to make. That would have been the only other course, and that course he thought the noble Earl would never have consented to take. He need not remind their Lordships that in Queen Anne's reign, when an English nobleman was anxious to have included in his titles a French castle and town in Normandy, a correspondence took place between him and the Secretary of State, and it was considered right and proper, before the patent was made out, to obtain the consent of the French King. That principle had always been recognised. He believed if the present measure was properly applied and carried out, it would prevent the repetition of these proceedings, and he should with pleasure vote in support of Her Majesty's Government, although he did not entirely agree in the course they had adopted. He could have earnestly wished that his noble Friend—he meant a noble Earl who was not then in his place (the Earl of Derby)—had been there to explain again, as he had done once before, what his plan would have been in dealing with this question. The noble Earl stated that his line of proceeding would have been, first a declaratory resolution, by which he would have shown the Pope the feeling of the people of this country; and after that, having met the first head of the offence—the insult to Her Majesty, and the invasion of Her rights—after that, he would have obtained, by inquiry in both Houses, what position Her Majesty's Roman Catholic subjects really stood in both before and since the recent proceedings of the Pope. He thought the course suggested by the noble Earl might yet be followed out in another Session—for their Lordships could not rest content with this Bill, which dealt with only one part of the aggression. There were many points connected with the position of the Roman Catholic Church in this country which, in his opinion, called for serious inquiry. There was, for instance, the synodical power of the Roman Catholic hierarchy, which might be brought to bear on the minds of the Roman Catholic laity, in opposition to the laws and institutions of the empire. He thought, too, that it was very desirable to ascertain whether, after the changes which had recently been introduced into the organisation of the Roman Catholic Church in this country, Roman Catholics stood in the same position in which they had previously been placed; and if it should be found that they did, then the fears of the great mass of the people would be greatly diminished. Another fitting subject for inquiry was the state of the monastic establishments. Then, again, he thought it ought to be made clear what was the position of a Cardinal in England, that was to say, of a privy councillor of Rome, residing and exercising high spiritual functions in this country. All these points might, he believed, be even still advantageously investigated by Committees of both Houses of Parliament. But he would not trouble their Lordships any further. He thanked them for the attention with which they had listened to him; and, in conclusion, he had only to state that he felt much pleasure in supporting the Bill which had been introduced by Her Majesty's Ministers, and which, he rejoiced to find, had been strengthened by the Amendments of some Friends of his in the other House of Parliament.

VISCOUNT CANNING said, he felt that the principle of religious liberty, which most of them had been in the habit of considering as secure in the constitution of the country, was, as rightly understood, involved in the present question. It was with some surprise he had heard the noble Marquess state in his opening speech that the matter with which their Lordships had to deal was the conduct of a foreign Power which had put dishonour on this country, and which had not been followed by any expression of an inclination to mitigate the offence. Surely the House would have a right to demand an explanation of the steps taken by Her Majesty's Ministers under such extraordinary circumstances, and to expect that they resorted to the usual measures of statesmen when a dishonour was placed upon the State. But the noble Marquess had most carefully avoided saying that the act of the Pope was an offence against the laws of nations, which had this peculiarity about it, that it pointed out, beyond all doubt, the mode in which it was to be vindicated. If it could be made out that a taint had been put on the honour of England, the proposal to send out a fleet to Ancona, little as was the favour it had met with in public, would have been really the proper course to have been adopted. He did not approve of direct hostility; but he thought Her Majesty's Government should show they had taken the other modes of obtaining redress through the representations of foreign friendly Powers, and had given the opportunity to the Pope of retracing his steps. They had been told no nation had offered to represent the feelings of England in this matter. Why, none of them had been asked; and how was the Pope to be made aware diplomatically of the offence he had given without such a communication; or did they expect him to take the initiative and recall his own acts? The noble Marquess had expressed an opinion on a former occasion that the act of the Pope was an usurpation; but he had not repeated the expression. A usurpation meant the assumption wrongfully of property belonging to another, and in that sense he could not understand how the Pope had been guilty of this offence. It would not be said he had assumed any power which belonged to the Crown. He had constituted here a hierarchy of his own Church. Could the Queen have done that? No, certainly not; and, so far from being able to create a hierarchy of the Roman Catholic Church, She was debarred almost from any communication with them or the Pope whatever. If the Pope committed an act of usurpation or of infringement, why was not the law enforced against those who were directed by him; as, for instance, in the case they had heard of St. David's see? He did not deny an insult had been committed; on the contrary, he admitted it; but the insult had been committed, not against the Crown or the nation, but against the Church of this country. He did not speak of the highflown bombastic language of Cardinal Wiseman, or with any reference to religious feeling. As far as one individual—and, he was afraid, a vain-glorious individual—was concerned, they might pass over his gratuitous insult, in his not very intelligible letter, in silence, and he certainly was not disposed to bring the machinery of Parliament to bear against it.

The DUKE of ARGYLL :* My Lords, at this late hour of the night, I shall proceed, without one word of preface, to deal with the main arguments before us. So far as these are represented in the speech of the noble Earl near me, who moved the rejection of this Bill, there are some to which I shall attempt no reply. First of all we had the *argumentum ad hominem* directed against the noble Lord at the head of the Government, founded on certain previous speeches of that noble Lord, and pointing to the conclusion that between his former course in relation to such questions—and generally the course of the great party with which he is identified—and the principles on which they are now acting, there is, to say the least of it, an apparent discrepancy. My Lords, with this argument I feel no interest in dealing. It has nothing to with the grounds on which the great majority of this House will, I trust, be prepared to vote. Neither do I conceive that we are called upon to deal with the arguments addressed by the noble Earl to the bench of Bishops. For my own part, I not only agree in the objections urged by the noble Earl against the manner in which some of the right rev. Prelates have sought to oppose the aggression of the Pope; but I avow my opinion, that principles have in some cases been propounded by them, involving everything that is most obnoxious and most fallacious in the pretensions of the Romish priesthood. With all this, however, we have nothing now to do. But since the noble Earl has dwelt so much upon the previous admissions of others, will he allow me respectfully to address a similar argument to himself. It may be in the recollection of the House that at an early period of the Session, during the Ministerial crisis, I took occasion to express the feeling, which I still entertain, of satisfaction that no Government had been formed in England on the basis of passing over, in total silence, an act which was in violation of the spirit, if not of the letter, both of the public law of Europe, and of the municipal law of this country. The noble Earl immediately took occasion to complain, with some warmth, of the assumption—which he seemed to think injurious—that such would have been his course. He emphatically denied that he would have passed over in total silence the Papal act of which we now complain. In some form or other—though in what form he has never yet explained—the noble Earl seemed therefore emphatically to admit that the Government of this country must notice and protest against the act referred to. Now mark, my Lords, the consequences of this admission. We have before us, in that aggression, two documents only—one a Papal Rescript, the other a Pastoral Address by Dr. Wiseman. So far as the mere offensiveness of expression is concerned, the objection principally refers to the Pastoral. But I cannot believe that the noble Earl would have felt it consistent with his own high position, as a Minister of the Crown, to have called upon the Government or upon Parliament in any form whatever to condescend to notice the ridiculous pompousities of a proud and foolish priest. It must, therefore, have been the other document—the Papal Rescript—and not the Pastoral of Dr. Wiseman, that the noble Earl felt ought to be, and required to be, noticed in some form or other by the Government of England. Well—but what is it in that Rescript against which we are called upon to protest? Not the mere terms in which it is conceived, for the noble Earl has himself argued that its terms are nothing but the ordinary and usual terms used by Papal arrogance on all similar occasions. It follows, then, that it must be the act itself—the deed done by that Rescript, the giving of the titles, not the mere terms in which it was conceived—that the noble Earl would have felt imperatively called upon to notice in some form or other. But if the giving of those titles were perfectly legitimate—a purely spiritual act—why should the Government have noticed it at all? I come to the conclusion, then, that the noble Earl himself admits that the act of the Pope had in it something seriously objectionable—that it was not a perfectly legitimate exertion of merely spiritual power—but an act of such a character that silence on the part of the English Government would have been improper or impossible.

This being granted, the only question now for the House to decide is, whether the form of our national notice of this act of the Pope shall be legislative or not?—whether there is any principle which deprives us of the right of prohibiting by law the assumption of those titles, the pretended grant of which is admitted by most, if not by all, to have been a just occasion of offence. I shall not now argue on the particular form of prohibition adopted by the Government—or rather the mode in which they propose to enforce that prohibition. I wish now to argue on the point of principle, whether we have a right to prohibit by law the assumption of these titles; or whether there is ground for the strong language held by the noble Earl, that such prohibition is "unjust." My Lords, I seek for some general principle to justify such language; something which constitutes that prohibition necessarily in itself unjust. I see what the supposed principle is—I recognise it as having been involved in part of the speech of the noble Earl. First of all, it is said, that as we tolerate the Roman Catholics in the exercise of their faith, we are bound to tolerate everything requisite for the full and complete organisation of their Church: and when to this it is objected, that every country in Europe has found it needful to place restrictions more or less stringent on that full organisation, the reply is this—those restrictions are founded on no other right than that derived either from concordats, or from the fact of secular endowments being attached to the offices of that Church. Where no such concordats or no such endowments exist, no such right of restriction can belong to the civil government. The noble Earl did not lay down this principle quite so broadly as I am now doing, but he did refer to concordats as the basis on which those restrictions actually rested; and I find in the "Address of the Catholic Laity," that they emphatically take the ground, that they can be justified on no other grounds whatever. If the noble Earl declines to follow the argument to this extent, he, in fact, declines to found it on the only principle which bears at all on the question of right now before us. I proceed, therefore, to deal with it in the form in which it does bear on that question of right—in that which is logically taken by the Catholic laity—in that which, more or less unconsciously, more or less obscurely, is really involved in the reasonings of Protestant opponents of this measure.

My Lords, I deny that it is true, either historically or theoretically, that the restrictions put by all the Governments of the Christian world on the full organisation of the Romish system were founded in any respect whatever, either on what are called State endowments, or on concordats with the Pope. Remember, my Lords, that we are now dealing with a theoretical explanation of an historical fact, which Romanists find it impossible to deny, and which they therefore endeavour to explain away. Let us remember, my Lords, that as a language must have arisen before its grammar can be written, so systems of law have arisen in fact, before their principle has come to be explained in theory. It might have been true that ecclesiastical restrictions existed nowhere except in connection with the conditions referred to—without its having at all followed that the one was the actual cause or justification of the other—still more without its being true that from no other cause or justification could such restrictions have arisen. But I deny the fact, not less than the theory, of the connexion. It is not true that such restrictions have existed nowhere, except where there were endowments or concordats. It is not true that where these did co-exist, they were the historical origin of the restrictions. It is not true that when the theory of these restrictions came to be investigated by the great jurists of the Continent, they based them on the principle which is now asserted.

I appeal to the historical recollections of every noble Lord now present, whether the contentions which arose in every Christian State on the part of the Sovereign or the Government against the Romish priesthood, did not uniformly arise from an instinctive dread and jealousy of political dangers—arising out of the powerful action of a great organised hierarchy centralised under a foreign head. My Lords, I venture to assert as a matter of historical fact, that the ecclesiastical restrictions on the Romish Church have uniformly had a national or political origin—that they were maintained to guard against political evils, and consequently that, however they may have been made the subject of contest or of compromise, they take their origin in the essential rights of every civil Government in the world—rights independent of, and anterior to, any agreement whatever with external powers. My Lords, I have high authority for the ground which I am now taking—both historical and judicial. Even in this country, where the restrictions upon the Romish Church have been severer than in any other, their origin was the same—referring to the same kind of danger—and based on the same abstract rights. In one of the earliest of those magnificent speeches in which Mr. Canning conducted the cause of Catholic Emancipation, I find the following sentence: "In every stage of our preceding history, not religious tenets, but political disaffection, was the cause of the severities against Catholics: the penal code was not intended to exclude the believers in transubstantiation as a sect, but to repress, or disarm, or punish them as traitors."

In every country it has been the same—in most the restriction being confined to the full organisation of the priesthood as the fountain-head of the dangerous claims against which it was desired to guard. I trust your Lordships have read those remarkable documents which have been lately reprinted—being the result of the labours of a Select Committee of the other House, appointed so long ago as 1816–17, to inquire into the laws affecting the Roman Catholic Church in the various nations of Europe. Among them your Lordships will find some forwarded by the late Sir Robert Gordon, relative to those laws in the kingdom of Austria. One of the great juridical works, most approved in that country, entitled, *Enchiridion Juris Ecclesiastici Austriaci*—and written by the Chancellor of the Bishopric of Lintz—lays down the principle that the right of the Sovereign to exercise control over the organisation of the Romish priesthood, rests entirely on the political dangers which the unrestricted action of that priesthood might entail; and comes to the same conclusion to which I have ventured to point the attention of the House, expressing it in these words: "A Catholic Sovereign has as Sovereign neither more nor less rights and duties than another Sovereign who follows another Confession of Faith." Another great Continental Jurist, speaking on the same subject, says, emphatically, "To assert the right, there is, therefore, no occasion to look for an agreement between the Pope and the Sovereign."—*Van Aspen.*

Just conceive, my Lords, the consequences of admitting any other principle. Those States in which the Romish Church enjoys great privileges guaranteed by law—endowments, or of whatever other nature they may be—are precisely the States which have least to dread from the hostile political influence of its priesthood; yet under the argument, these are the only States which are entitled to guard against such dangers. Those, on the other hand, in which the Romish Church is unrecognised by the law—States, whose institutions are Protestant—are precisely those which have most to dread from the dangerous powers which that Church is ever claiming, and ceaselessly endeavouring to usurp. They are, therefore, precisely the States which are most entitled, and most bound, to watch with jealousy, and restrict with firmness, the full organisation of its ecclesiastical system: and yet on the principle against which I am now arguing, such are the only States whose hands are tied. I repeat then, my Lords, that as it is neither true as a matter of history, nor sound as a principle of law, nor consistent with common sense, as a matter of reason and argument, that the right of civil Governments to restrict more or less the full organisation of the Romish ecclesiastical system stands on any lower ground than their own inherent authority to guard against every form of danger to their own laws and institutions—so we may safely feel assured that all the denunciations we have heard against the "injustice" of this proposed prohibition of certain territorial titles are based on assumptions utterly inconsistent with the fundamental principles on which the liberties of every State in Europe have been founded and maintained.

I pass, then, from the question of our right so to deal with the obnoxious titles, and would at once proceed to consider the arguments derived from the supposed inconsistency of this course with our own previous concessions to the Romish Church, were I not anxious to notice, first, another argument derived from an assumed analogy between that Church and other religious bodies. The noble Earl has himself, to-night, confined that analogy to the case of the Episcopal Church in Scotland; but by others it has been extended on the same principle to Wesleyans, to the Free Church of Scotland, and various other religious bodies. In respect to the Episcopal Church in Scotland, I freely admit to the noble Earl, that as the spirit and meaning in which the Bishops of that Church sometimes assume certain titles is equally offensive with that displayed by Dr. Wiseman, so it is equally our right, if it were worth our while, to prohibit that assumption; and waiving, for the present, the particular form in which such prohibition ought to be enforced, I, for one, have no objection to see it extended to the Episcopal Church in Scotland; but I protest against the argument, that because we do issue a prohibition in the one case, we are bound as a matter of principle to issue it in another. It is a mere confusion of thought to confound together the ecclesiastical districts of most religious bodies with the territorial claims asserted, and meant to be asserted, in the usurped titles of the Romish priesthood. Every "diocese" is indeed an ecclesiastical district, but every ecclesiastical district is not a diocese in the meaning attached to that word by that priesthood; and I deny that we can be called upon even seriously to debate the question, whether because ecclesiastical divisions of some kind or another are common to all, or almost all, religious communities, we are therefore bound to treat on the same footing, and with the same precautions, the clergy or ministries of any Protestant Dissenting Church, and that vast organised hierarchy, which for more than a thousand years has forced every Government in the Christian world into an attitude of self-defence.

And here, my Lords, I would impress on the attention of the House that you may be entitled and called upon to deal with one religious body in a manner very different from that in which you deal with others, in consequence of a difference between them in matters almost purely spiritual. Take, for example, the case of excommunication. If it is the religious belief of any body that such censure ought to debar from all Christian communion, and if, owing to that belief—in itself purely spiritual, that is to say, touching a matter of religious duty and obligation—its priesthood becomes invested with dangerous powers, you may deal with, and you do deal with, such a Church in a manner which would be grossly tyrannical in the case of other Churches whose religious belief on this matter is different. But then what becomes of the abstract principle laid down by so many of those who oppose this Bill—which we have had dinned into our ears week after week, and month after month, since this question arose, namely, that because we tolerate the Roman Catholic religion, we are therefore bound to tolerate the full and regular exercise of its ecclesiastical system? No function is more essential to the full organisation of a Church than the power of exclusion from its own communion; and if, on the fatal principle so carelessly asserted, you gave free reins to the Romish Church, none would be so dangerously, because none so powerfully, exerted. My Lords, I am dealing with no imaginary case. I hold in my hands a report of a most remarkable trial which took place in the North of Ireland, in 1844. The circumstances were these: a member of the Roman Catholic Church took it into his head that he might read the Bible in his native tongue. He next took it into his head that, as he might read it for himself, so also he might read it to others. Of course he incurred the enmity of his priest, who, after many endeavours to drive him from this evil practice, threatened finally the penalties of excommunication. He was a member of the Romish Church; he was amenable, in virtue of that membership, to its laws, and he was committing against those laws a great spiritual offence. At last, therefore, the sentence was pronounced—in the forms prescribed by the system of his Church. A bell was rung—a book was shut—a light extinguished; and, in conclusion, these horrible and blasphemous words were uttered from the altar: "My curse and God's curse upon Charles M'Loughlin, and upon all that work in the same field with him, or eat at the same table." My Lords, the effect of this excommunication, acting, be it observed, solely through the feelings of religious obligation entertained by the members of the same Church—was, that the man was nearly ruined. No one would deal with him—hardly speak to him. He was an alien in his own country, and among his own kin. But this was merely an indirect effect—the result of religious obedience to an authority acting in *foro conscientiæ*. Well, an action for damages was brought against the priest; and what was his defence? My Lords, if the opponents of this Bill had been retained for that defence, they could not more accurately have recounted the arguments adopted, and the principles assumed by the lawyer who actually conducted it. You tolerate the Roman Catholic religion; you are bound to tolerate the full and free exercise of its regular ecclesiastical system—this is the principle which has been urged over and over again. Now let me quote the words of the counsel in the case in question:—

> "This practice of excommunication is part of the rules or discipline of the Roman Catholic Church, and cannot affect Protestants. The plaintiff voluntarily submitted to the rules of the Roman Catholic Church: these rules are recognised by law, and the defendant had as good a right to exercise them as the minister of any other Church had to carry out the discipline of the body to which he belonged. By several recent Acts—the Charitable Bequests Act for instance—the discipline of the Roman Catholic Church is recognised," &c., &c.

Fortunately, my Lords, there was a Judge upon the bench, and there was a jury in the box, who repudiated such principles, and the priest was fined some seventy pounds. I understand the cheer of the noble Lords who oppose this Bill. I never supposed that they would entertain any other feeling than satisfaction on account of this result; but then, I say, be more cautious in the statement of your abstract principles. I admit that our existing law is strong enough to prevent the exercise of that particular part of the Romish ecclesiastical system, however necessary it may be to its full and free organisation and government. But this is the very point of my argument. Why is our law strong enough to do so? Precisely because it repudiates the principle so often founded on by the opponents of the Bill; and I contend that that principle, if logically pursued, not merely dictates the rejection of this new law—proposed to meet a new case—but the repeal of existing laws, admitted by all parties to be essential to the peace and safety of society.

I now pass, my Lords, to objections to this Bill of another kind—not founded on assumed general principles, but on the special concessions already made by our law to the Roman Catholic Church. Foremost among the arguments of this class stands that which has been dwelt upon by the noble Earl to-night: I mean the argument derived from the Roman Catholic Relief Act. The noble Earl said he had been one of those who assisted in the preparation and passing of that Act, and that he specially objects to this measure because it tends injuriously to interfere with the settlement then come to, and that in this respect he specially dreaded its effects in Ireland. I ask your Lordships to judge of the force of this argument, when you remember that that very Act to which the noble Earl refers—that Act to which he was more than a mere consenting party—has a penal clause against the territorial titles of the Irish Roman Catholic bishops, and that, so far as regards Ireland, this Bill will have absolutely no effect whatever, beyond that of extending to two Romish bishoprics, not strictly coming under the terms of that Act, the same prohibition which it applied to all the other existing Romish bishoprics in that country. I see no objection in principle whatever against the prohibitions proposed in this Bill, which would not have applied with equal force to the prohibitions contained in the Relief Act. There is, indeed, one difference between the two cases: the bishoprics in Ireland were of ancient and venerable date, and the people of that country had been accustomed, I believe from time immemorial, to designate their bishops under the territorial titles which the Relief Act prohibited; whereas those which we now propose to disallow under the same penalty, are certainly entitled to no favour from their age, and are open to infinite objection as regards the manner in which, and the occasion on which, authority has been assumed to found them.

I proceed, then, to another Act on which much stress has not, I think, been laid by the noble Earl to-night, but which has been greatly relied on by others elsewhere who are opposed to this measure. I refer to the Roman Catholic Bequest Act, passed in 1844. I hardly know what consequences have not been assumed to follow from certain forms of expression used in that enactment, in respect to the orders and succession of the Romish priesthood. Of one thing, however, I feel sure, that if there be any noble Lords, or any right hon. Gentlemen, who are more bound than others to see that no construction be put on the terms of that Act which shall interfere with the right of Parliament to guard, whenever it may deem it needful to do so, against the evils to be dreaded from the unrestricted development of the Romish ecclesiastical system, they are those who brought in that Act under the Government of the late Sir Robert Peel. My Lords, the history of a part of that enactment is remarkable. As the Bill was originally framed and introduced into the House of Commons, the Bishops of the Roman Catholics were not even designated as bishops. "Persons in holy orders of the Church of Rome" was the nearest approach which it was deemed prudent to make in describing their spiritual rank. In passing through Committee in that House, it was urged on the right hon. Baronet, then Secretary of State for the Home Department (Sir J. Graham), by the Roman Catholic Members, that this intended omission of the natural designation of their priesthood would be construed as a positive affront—that it would be more courteous and respectful to the adherents of that religion if a less jealous spirit were displayed. The concession was made. "Bishops" and "Archbishops"—not of places or territories, but simply as over flocks belonging to their own communion—were words admitted into the Bill; and I beg your Lordships to attend to the words in which Sir James Graham announced this concession to the House. "He had demurred, and he still demurred, to the right of the archbishop and bishops of the Roman Catholic Church claiming titles as affixed to certain localities and districts in Ireland, but having no other desire than, as far as was consistent with the maintenance of sound principles, to tender that which might be acceptable to their Roman Catholic fellow-subjects, the Government were anxious to make that tender in the form most acceptable," &c. Here, my Lords, we see not merely that the Bequests Act does not, in fact, use or sanction those territorial titles which are now treated sometimes as beneath the notice, at others as above the reach, of Parliamentary prohibitions, but we see farther that the omission of everything construeable into such use or sanction was not a matter of accident, but was deliberately weighed and considered, as involving a question of "important principle."

My Lords, I would here call upon the House to observe, in connexion with our previous concessions to our Roman Catholic fellow-subjects, that two lines of argument have been taken against this Bill, which are in direct contradiction to each other. In one breath, we are told that we have no right to interfere with or restrict their ecclesiastical system, because they are in this country nothing more than a merely tolerated sect—that they enjoy no advantages—no position recognised by the law—that they are to be, therefore, treated as the Wesleyans or any other religious body, in this respect similarly placed. In the next breath, we are not unfrequently told that we have already gone so far in giving legal recognition to their prelates, to their titles of archbishop and bishop, and to their succession—that we have so formally facilitated them in the acquisition, and secured them in the enjoyment and transmission of corporate property—that we have no right now to turn round and impede them in the full and free completion of their regular priestly system. I am not now dealing with the form in which the argument has been put by any Member of your Lordships' House —although I think something of the same incongruity has been involved in parts of the reasoning we have heard to-night— but I own I have been astonished at the boldness with which these two contradictory positions have been alternately relied on out of doors, as the convenience of the occasion required. Your Lordships have all, of course, seen two pamphlets, published by a learned gentleman, a member of the Roman Catholic Church, with the mysterious words, "By Authority," on the back. In one of these, the one line of argument is taken—in the other, the other. In that which pleads the extent to which we have already committed ourselves to the recognition of the Romish priesthood, after quoting various statutory concessions, Dr. Bowyer proceeds thus:—

> "The question now arises, what consequences flow from this legal status of the Roman Catholic Church in the British Empire. That Church is not barely tolerated, but recognised by or known to the law of the land—not as a mere abstraction and a mere set of speculative opinions, but as a body of persons known to the law, and having certain essential and characteristic features, without which they would cease to be what they are, and the most prominent and (politically and legally) by far the most important of which is their adherence to the spiritual authority of the Roman See."

In another part of the same pamphlet, the same ingenious advocate tells us, "by authority," that, in consequence of another Act (Dublin Cemetery), we are bound to recognise

> "Archbishop Murray, as exercising spiritual jurisdiction within the diocese of Dublin. His successors are included in the description. His spiritual jurisdiction within the diocese of Dublin is recognised."

And next, as a climax, we are informed

> "The canon law is *pro tanto* recognised as prevailing in the diocese of Dublin, and to be administered by Archbishop Murray and his successors therein."

Yet the writer of this pamphlet is not ashamed to tell us in another—also "by authority"—

> "The law now regards the Catholic Church in England, not as the Church of England, but as a dissenting body, having no legal succession or benefices or dignities whatever."

And observe, my Lords, that though this last assertion is, in words, confined to "England," the previous assertion was extended to the whole "British Empire" —"a legal status" was asserted for the Roman Catholic Church in the "British Empire." But even if this distinction between different parts of the empire were consistently adhered to, what bearing would it have on the two arguments against this measure? Ireland is specially the country where, according to one, we are least entitled to interfere, because that in which we have made to the Romish Church the largest and most definite concessions. Ireland, according to the other argument, taken for the case of England, is precisely the country where we are most entitled to put restrictions on its priesthood, because there we have placed it in nearest connexion with the law. My Lords, I will give the opponents of this measure the benefit of the distinction between England and Ireland; and the most logical conclusion, I take it, would be this; In England, we are free to adopt it, because we have no concessions which can even seem to stamp inconsistency on our course; in Ireland, we are specially bound to do so, because, whilst no concession we have made is really inconsistent with its provisions, every one of those concessions not only gives us a clearer right, but imposes on us an additional obligation to mark the point beyond which advance will be treated as usurpation.

My Lords, I protest against the arguments which have been derived from our past concessions to our Roman Catholic fellow-subjects. We have done quite enough to show towards them the largest spirit of justice and toleration; and to demand from them a scrupulous respect for our established institutions and principles of law. But we have done nothing—absolutely nothing—which can interfere in the slightest degree with our perfect right to restrict the full development of their ecclesiastical system wherever it shall appear to us to involve the recognition of principles dangerous either as regards the present or the future.

My Lords, I shall not long dwell on an

argument of another kind which has been largely elaborated in another place, and has been alluded to by the noble Earl to-night. The establishment of territorial or diocesan bishoprics, we are told, instead of vicars-apostolic, is a great limitation of the power of the Pope, and was actually keenly desired on this very ground many years ago by the English Roman Catholics, with the full sympathy of the Government. In opposing this change now, therefore, it is argued, we are evidently favouring, rather than discouraging, Papal power. My Lords, I am astonished at this argument being brought forward by those who have urged it. What was the admission which accompanied it in another place?—that there is at present a great ultramontane reaction in the Roman Church—that the party attached to the principles usually described under this term are in complete ascendancy—and that all the measures of the Papal Court are dictated in that sense and spirit. Then, are we to be told—even supposing that our policy ought to be guided by any reference to such considerations—that that party, so powerful at present, does not itself know how its own interests may be best promoted—nay, that it is so stupid as to recommend measures which directly tend to the discouragement of its principles? My Lords, I should prefer, on a question of this nature, to trust the sagacity of the Romish party, in preference to the arguments, however ingenious, of Protestant Members of the British Parliament. But apart from this general trust, I cannot say I see much force in the reasoning founded on the former feeling as to the tendency of this measure. No man who has looked into the history of the past can fail to have observed how one identical measure may be the exponent of one set of tendencies at one time, and of a directly contrary set of tendencies at another. Everything may depend on the manner in which, and the circumstances under which, such measure may be adopted and enforced. Nor is it difficult to see how, in this case, the manner and the circumstances will afford a splendid precedent for the unbounded pretensions of the Roman Pontiff. The new pretended Sees not only take their origin in the breath of the Pope, but are founded on his assumed right to abolish by the same breath all the ancient bishoprics of England! A stable basis, truly! for a National Church of Roman Catholics—disposed and enabled to resist the undue aggressions of Papal tyranny!

My Lords, in conclusion, I would entreat the House to mark, so that the country may thoroughly understand, that this measure is not brought forward on account of any advance, real or supposed, which the Roman Catholic religion, as a system of purely spiritual belief, propagated by purely spiritual means, may be making in this country. I unreservedly adhere to the principle, that the advance of error, as such, ought never to be met by the arms of power. I trust, and I believe, that the apparent advance to which I have referred, is the current of an eddy, and not the main current of the stream—I trust, and I believe, that it is the advance of a passing wave, and not the advance of a rising tide. But if my belief on this point were other than it is, I would still adhere to the opinion, that the floors of Parliament form no part whatever of the field on which such dangers must be met. But let us remember, my Lords, that the Romish Church is not a mere system of belief, propagated by purely spiritual means; it is an organised system of government, aiming at commanding influence over the whole range of human affairs; and by outward and visible assumptions of authority, fitted to impose on the imaginations of the vulgar—and not without their strange effect on minds of a higher class predisposed to superstitious feelings of respect—it is ceaselessly endeavouring to establish precedents on which it may convert mere influence into solid and legal power. Although, therefore, we must leave to others, or to ourselves, acting in other capacities, the task of contending against theological opinions, there is one thing, my Lords, which Parliament can, and Parliament is bound to do. Whatever advance the Roman Catholic Church may be destined to effect, it is our duty to ourselves, and to the generations which are to follow, to see that that advance shall not be made by footsteps proudly trampling on the ancient principles of our public law, and the sacred prerogatives of this English Crown.

The EARL of AIRLIE next addressed their Lordships, but he spoke in so low a tone, and the noise from conversation in the House was so great, that even the purport of his observations could not be gathered in the gallery, further than that he was understood to support the Bill.

The BISHOP of ST. DAVID'S said,

that he had not risen immediately after the noble Duke, on account of the remarks which had fallen from him with reference to some Members of the right rev. Bench, because he felt that he himself was not at all affected by those remarks. But, though he was not in the habit of obtruding himself upon their Lordships, except on those rare occasions when he felt it to be inconsistent with his duty to remain silent, he had never been more anxious to say a few words in explanation of the grounds of the vote he meant to give, than on the present occasion. One thing which he particularly wished to observe was, that if he had conceived this to be an occasion in which the interests of the Church of England were alone or were chiefly concerned, he should hardly have desired to take any part in the debate. Whatever interest he might take in the question as an individual, it was not as a member, still less as a bishop of that Church, that he desired to address their Lordships. He conceived it to be very doubtful whether the interests of the Church of England were affected by the recent measure of the See of Rome. He was not sure whether the Church had sustained, or was likely to sustain, any injury from that measure; or whether the moral excitement which it had created in the country had not been, upon the whole, more favourable to those interests, than any measure that could possibly be passed by Parliament would be. If, however, this were not so, and if this, instead of being (as he considered it) a political question, were one of an ecclesiastical character, affecting the position, the privileges, the rights, and the interests of the Church of England, then he cordially concurred with the sentiments expressed by the noble Duke (the Duke of Argyll) whose able speech had nearly exhausted the subject—that it was not to the Legislature that he would look for remedy or redress. He did not know whether, in this sentiment, he had the assent of his right rev. Brethren; but he believed he spoke their sentiments when he said that no provocation that could be offered them from without would ever induce them to wish to withdraw one jot or tittle of those privileges which had already been conceded to our Roman Catholic fellow-subjects in this country. In expressing that sentiment, he felt that he was only echoing those which were entertained by the great body of the clergy, as well as of the laity of our Church. He must, however, acknowledge that he had deeply sympathised with the feelings which had been so strongly excited throughout the country on the subject within the last few months, and he would take the liberty of briefly reminding their Lordships what were the causes of that excitement. He believed that there were three. In the first place, the people of this country had seen in the measure adopted by the See of Rome an extraordinary assumption of power. The language employed to express the nature of that measure carried their minds back to a period in our history when the Papal power was most absolute, and was exercised with the most pernicious and degrading influence on the liberties of the nation. If a Cardinal Legate had come to this country, preceded by a Pastoral, in the reign of King John, he could not have used language expressive of more absolute authority over this country in all its concerns, or greater superiority over the civil power of the realm, than was to be found in that Apostolic Brief of the Pope. Then, if the people of this country disliked the act in itself, they were not at all the more reconciled to it when they found that it was openly avowed to be only means towards an end, and that end the propagation of the Roman Catholic religion; for that was the avowed object of this aggression, and there was no pretence of any necessity to justify it. But this was not all. Offensive as the measure was, both in itself and in its professed object, the people of this country objected to it still more strongly because they looked upon it not as the last, but rather as the first, step in a long course of similar proceedings. Such had been the impression made upon his own mind, in common with most other persons, in the first instance, by the publication of the Papal Rescript. Yet he had suspended his judgment until he was enabled to compare it with the views and reasonings of other persons better qualified than himself to pronounce on the legal and political character of the measure. But after the most mature consideration he could give to the subject, he had been led to the conclusion that this act of the Church of Rome ought to be looked upon first as an insult, and next as an injury. As to the insult, there prevailed, both in and out of Parliament, as great a unanimity of opinion as had ever been expressed on any public question. Yet, strangely enough, he had seen his own name cited as an authority for the opinion that the act was not an insult, and it had been argued that before it could be properly construed as such, there must be proof of an intention to insult in the person who offered it. But he thought that nothing could be more fallacious than this reasoning: the argument was altogether inapplicable to this and to all similar cases. We could never enter into men's intentions: all we could do was to judge them by their words and actions. He certainly did not believe that there had been a deliberate intention on the part of the Pope to offer an insult to the Queen. That would have implied a strange mixture of folly and insolence in the Pope; and the more so, because it would have been utterly superfluous, inasmuch as any ambiguity in his expressions would be sure to be removed by his emissaries in this country, who would take care to give to his language, even if it was not offensive in itself, the most offensive interpretation; and the editors of the French and Irish papers had supplied the construction which should be put on the language of the Apostolic Brief. There was, however, no necessity for those aids, for the insult was obvious enough: it lay not in the language used, but in the act done; it consisted in passing over, in ignoring, in treating as non-existent, persons who had a right to be considered, who had a voice upon the question, who ought to have been consulted, and without whose concurrence and consent the measure ought not to have been adopted; so that the treating them as non-existent could not but be considered as an insult, whatever might have been the intention. But it had been said that, stripped of the swelling phraseology of the Roman Chancery, and the vapouring which appeared to be inseparable from documents emanating from the Court of Rome—which had been identified by the noble Earl (the Earl of Aberdeen) with arrogance itself—there was nothing either insulting or injurious in the Papal measure, and that it was neither an aggression nor an affront. He conceived, however, that there had been not only insult but injury, and that of a most grievous kind. They had often been asked to point out wherein consisted the harm and injury that would arise, either to the Church or to the State, from this measure of the Pope. But he contended that this was an argument which missed the point of the question, and that they were not obliged to point out all the remote consequences which might proceed from it in order to show it was injurious. If it had been established, as it appeared to be by preponderating authority, that the Papal Rescript was a violation of the law of the land, and that it assumed an authority to do that which no Sovereign in Europe had ever permitted to be done in his territory without his consent, that was sufficient for his purpose; it was not necessary to point out the precise character of the injury to be expected, or to prove that any injury would arise, or to trace out remote consequences; and he found the great weight of legal authority in favour of the position that, however harmless it might be in itself, and however small the change it might introduce into the condition of the Church, yet the arrogating a power which had always been reserved to the Sovereign of these realms, and which did not belong to any foreign Potentate, was an offence against our law, and against the law of nations. If it were said that it was scarcely worth while to legislate against an injury which appeared so problematical or inconsiderable, his answer was, that there was all the difference in the world between concession and compulsion—between giving away something of one's own will, and having it forced from one at the will of another. He had himself, on former occasions, at the expense of much obloquy and other inconvenient consequences, advocated concessions to their Roman Catholic fellow-subjects; but he would not allow the same thing, or anything far less important, to be taken by a foreign Power without his consent. When he saw such an usurpation attempted, he thought that the honour and safety of the country required that a stand should be made, and that this violation of the Queen's prerogative should be firmly resisted. The noble Earl (the Earl of Aberdeen) had used an argument which he did not remember to have seen urged before. The noble Earl had argued that the present measure was a breach of contract with the Roman Catholics, on the ground that there was a clause in the Relief Act which prohibited the assumption of certain existing titles in the Church of England, and therefore (as it was argued) recognised by implication a right to assume any others; and therefore, as the assumption of these titles was not forbidden, it must be considered as lawful. He was not now concerned to inquire whether the construction put upon this clause by the noble Earl was the true one or not. He might be willing to admit that there was something plausible in it; but he thought that no one would contend that the Legislature in passing the Relief Act ever contemplated such proceedings as this on the part of the See of Rome. The recital in that very clause expressly declared that the Protestant Episcopal Church of England and Ireland, and the doctrine, discipline, and government thereof, are established permanently and inviolably; and could it be said to be consistent with the contract, if contract there was, that the Pope should at once sweep away that Church and its whole hierarchy? The Pope had pretended by a stroke of his pen to sweep away one hierarchy which, whether bad or good, was established by law, and to establish another in its place. Was he then to be told that if there was a violation of the contract contained in the Relief Act, it had proceeded from those who had brought in the present Bill, and that it was not rather the act of the Pope himself? And was not this a breach of contract, compared with which that which was alleged (whether rightly or not) by the noble Earl, sank into utter insignificance? That was one point in which he thought the argument of the noble Earl signally failed. But there was another argument of the noble Earl's to which he had listened with still greater surprise. The noble Earl had appealed to the right rev. Bench whether they did not admit the necessity of episcopacy in their own Church, and whether they would deny that it was equally essential to the Roman Catholic Church; and then he had asked how would they (the right rev. Prelates) like their own Church to be forbidden to have their bishops, and how they could consistently object to the Roman Catholic Church being placed under episcopal superintendence? Now, upon what supposition did that argument proceed? It could only proceed from a neglect of one of the most prominent and salient features of the case. It assumed that such superintendence had been wanting in the Roman Catholic Church. Now, if there was one point more notorious than another, it was that before this Papal Brief, the members of the Roman Catholic Church in this country enjoyed, to all intents and purposes, the full advantages of episcopal government. With reference to spiritual purposes, the old government answered precisely the same purposes that the new hierarchy did. He could produce abundant proofs of that proposition; but he would confine himself to three. One was the silence of the Roman Catholics themselves, who had never complained of any such grievance as they were supposed to have been labouring under. This, however, might be considered as a merely negative proof; but he had proof of a more positive character as to the light in which the previous government of the Roman Catholic Church was considered by a person who must be admitted to be a very high authority on the subject. The effect of the change wrought in the condition of the Roman Catholics by the recent measure, had been described by that very eminent person in his celebrated Pastoral, in language, to which he (the Bishop of St. David's) could not do justice without quoting its exact terms. He said—

> "The silver links of that chain which has connected their country with the See of Peter in its vicarial government is being changed into burnished gold"—

A change which could be aptly represented by the substitution of one precious metal for another, could, he thought, hardly be considered as one of urgent necessity; but the writer proceeds to say—

> "not stronger nor more closely knit, but more beautifully wrought, and more brightly arrayed."

Such was the estimate of the alleged necessity conveyed by the splendid imagery of that gorgeous period. But, though a Cardinal was very high authority, there was one still higher; and this had spoken more clearly and to the point upon this subject than the Cardinal himself. Looking into Butler's *Historical Memoirs of the English Catholics*, he (the Bishop of St. David's) had lighted on a passage in which after distinctly explaining the difference between the vicars-apostolic and bishops in ordinary, Mr. Butler said—

> "The Popes granted the vicars-apostolic license and faculties to use and enjoy all faculties which ordinaries use and enjoy in their own sees and dioceses."

This then was the state of spiritual impotence and degradation, from which, according to the noble Earl's argument, the Roman Catholic Church in this country had been translated by the Papal Rescript; and this seemed enough to dispose of the argument, that the change was required to satisfy the spiritual wants of that Church. There were some other arguments which appeared to have made a considerable impression, and to which he, therefore, begged leave briefly to advert. It had been contended that they need not concern themselves about this act of the Pope's, because it only established an unendowed hierarchy. If, however, they were to submit to an aggression of this nature, and to give up what had hitherto been conceived to be rights inherent in the Crown of England, he trusted that it would be at least under the security of some better safeguard than the plea that an unendowed hierarchy might be safely invested with powers which would not be conceded in the case of an endowed hierarchy? Surely the whole course of ecclesiastical history proved that a body which was not supported by any endowment, which had an unlimited career open to ambition and cupidity, was more dangerous and more difficult to deal with, than one which possessed an endowment. It was from an unendowed condition, and from a state of voluntary poverty, that the monastic orders had risen to a pitch of opulence and power, which had rendered them objects of jealousy and envy. Another argument on which much stress had been laid, was that the substitution of bishops in ordinary for vicars-apostolic, had always been opposed by the ultramontane party in this country. He believed, however, that the contests between the secular and the regular clergy, had turned not to much on this point as on the substitution of titular bishops in the room of the archpriest. But, without entering into this question, he would observe that any argument founded on that fact was wholly inapplicable to the present state of things. He agreed with the noble Lord near him (Lord Beaumont), when he expressed his regret at the ultramontane spirit which had spread over every part of the Church of Rome, which was still spreading, and which was more particularly gaining ground in those provinces of the Church which were most distant from the centre. In an interesting work of Cardinal Pacca, which he had recently read, he found it said that the views and feelings which were represented by Bossuet and other great lights of the old Gallican Church seemed entirely to have vanished; and the Cardinal rejoiced to observe that there was a growing desire on the part of the French clergy to identify themselves and their interests more and more with the See of Rome. He was afraid that the same spirit was now displaying itself in this country, and that there was a close connexion between that spirit and the conversions which had recently been taking place from our Church to Rome. He believed with the noble Lord (Lord Beaumont) that those conversions would tend to corrupt the spirit which had hitherto prevailed in the Roman Catholic Church itself. No one who was acquainted with the writings of one of the ablest of those converts, could fail to observe that they contained sentiments more ultramontane, more anti-national, more un-English, than anything that ever issued from the Italian press itself. A great change was also taking place in the spirit and policy of the Court of Rome. It was impossible that any Pope, placed in the circumstances of the present Pope, after having been driven from his capital by his own subjects, and restored by foreign bayonets, should not begin to be aware that his authority could no longer rest on the support of the secular arm. The consequence of that was that he was forced into an attitude of independence—into a state of aggression upon the secular authority of every State with which he had to deal, concentrating more and more his efforts on the establishment of his spiritual authority, and looking to that alone for the revival and extension of his secular power. But though on these grounds, after the maturest consideration of the subject, he could give an unhesitating vote for the second reading of the Bill, he would not pretend that he was completely satisfied with it. It was one, and only one, of several modes which might have been adopted for accomplishing the object. Another was that of a diplomatic representation for the purpose of inducing the Pope to withdraw his Rescript. He was not very sanguine as to the success of such an attempt; and if it had failed, it would have left them to set about the work of legislation perhaps under some disadvantages. There was still another course which had been suggested by a noble Earl (the Earl of Derby), who unfortunately was not then present, which he would own he was inclined to view with a considerable degree of favour. It had been suggested that Parliament should in the first instance confine itself to a simple resolution; but should at the same time institute an inquiry in Committee to ascertain the practical bearings of the change introduced by the Papal Rescript, with a view to guard against any evils which might be likely to arise from it. And it was to him a great comfort to think that the present measure did not preclude such an inquiry; and he agreed with the noble Earl opposite (the Earl of Malmesbury), who had said that this was not the end of the story. He should be sorry if this measure was to be regarded as a final settlement of the question. When he looked to the other side of the Channel, notwithstanding the encouraging assurances which they had heard from the noble Duke at the table (the Duke of Wellington), he could not help entertaining some anxiety and misgivings as to the result of the measure in that quarter. He admitted that in theory, it was necessary to include Ireland in the operation of the Bill; and that was one of the strongest objections to which it was liable. Indeed, when he considered the wide difference between the circumstances of that country and of this, he could hardly suppress his regret that the rigid exactness of theory, so far as Ireland was concerned, had not been tempered by considerations of practical expediency. But as it was, he saw no alternative. The measure before their Lordships might, at least, answer the purpose of a strong remonstrance, and might dispose the minds of the parties to come to some reasonable compromise on the subject. Meanwhile, it secured the inestimable advantage of keeping inviolate and unimpaired that deposit of the law, the rights and the privileges of the Crown and the empire, which had been bequeathed to us by our ancestors, and committed to our charge.

Further debate adjourned till To-morrow.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 21, 1851.

MINUTES.] NEW MEMBER SWORN.—For Knaresborough, Thomas Collins, Esq.

PUBLIC BILLS.—1° Sheep, &c. Contagious Diseases Prevention; Commissioners of Railways Act Repeal; Attornies and Solicitors Regulation Act Amendment.

2° Commons Inclosure (No. 2); Soap Duty Allowances; Militia Pay.

3° Merchant Seamen's Fund.

DAVID SALOMONS, ESQ.—THE "VOTES AND PROCEEDINGS."

MR. SPEAKER stated, that he had received a Letter from David Salomons, esquire, relative to the entry of the Proceedings of the House on Friday last in his case, which he read, as follows:—

"Great Cumberland Place, July 21st, 1851.

"Sir—I take the liberty to call your attention to a very important omission in the record of the Proceedings of the House of Commons on Friday last, of all notice of my demand to subscribe the Oath of Abjuration, and to declare to my Property Qualification.

"Immediately after I had taken the Oaths, I read from a paper which I held in my hand the following words: 'I have now taken the Oaths, in the form and with the ceremonies that I declare to be binding on my conscience, in accordance with the Stat. 1 and 2 Vict. cap. 105. I now demand to subscribe the Oath of Abjuration, and to declare to my Property Qualification.'

"No notice has been taken, in the Proceedings above referred to, of my having made this demand. You will therefore, I am sure, Sir, pardon me for drawing your attention to the subject, and respectfully requesting that the Minutes of the Proceedings of Friday last be amended. With the utmost respect, I have the honour to be Sir, your most obedient and humble Servant,

"DAVID SALOMONS.

"To the Right Honourable
The Speaker."

I ought to state to the House that the entry in the Votes was carefully prepared; and although what was spoken by the hon. Member was perfectly audible in this part of the House, yet it appeared to me, after the Clerk had reported the omission of certain words in the oath, and I had directed the hon. Member to withdraw, it was his duty to have withdrawn immediately; and any statement made by him at the table after that order had been given, could not properly be entered on the Votes. The Clerk will now proceed to read the Order of the Day.

DAVID SALOMONS, ESQ.—OATH OF ABJURATION—ADJOURNED DEBATE.

Further Proceeding on administering the Oath of Abjuration to David Salomons, Esq. *resumed.*

SIR BENJAMIN HALL: Sir, it may now, perhaps, be convenient that I should repeat the question which I put to my right hon. Friend the Chancellor of the Exchequer on Friday evening, and which he requested might be repeated this evening when the noble Lord at the head of the Government should be present. It will be in the recollection of the House that after the hon. Gentleman the Member for Greenwich withdrew from the table, he occupied the seat where the hon. Baronet the Member for Southwark (Sir W. Molesworth) now sits; and that when you, Sir, repeated your desire that the hon. Gentleman should withdraw, he withdrew below the bar of the House. It will also be in the recollection of the House that after the hon. Gentleman had so withdrawn, I stated to the House that it was the anxious desire of the hon. Gentleman the Member for Greenwich to take such steps as might be necessary for carrying out not only the wishes of his constituents, but also to take such steps as might be necessary for asserting his own right to occupy the seat in this assembly to which he has been elected; and that the hon. Member did not desire to take any course which might be displeasing or inconvenient to the House, but that he was resolved, so far as lay in his power, to take his seat as a Member of the Legislature. I asked my right hon. Friend on Friday night whether, as the hon. Gentleman had certainly taken a seat within the bar of the House—whether, under such circumstances, if the Government might think that he has became amenable to the law, they would direct the Attorney General to prosecute the hon. Gentleman, in order to bring this question fairly to issue? And I intimated further that, if they did not think that the hon. Gentleman had up to that point become amenable to the law, or that a prosecution would fairly lie against him, the hon. Gentleman would take the still further step, if possible, of voting as a Member of the House, and thereby render himself perfectly amenable to any penalties that the statute might impose. The question I have now to put is, Whether the noble Lord will authorise a prosecution at the instance of the Attorney General against the hon. Gentleman the Member for Greenwich?

Lord JOHN RUSSELL: Sir, I think the hon. Baronet is hardly authorised in asking me what course the Government will or will not pursue in regard to the prosecution of an hon. Gentleman for taking his seat without having taken the oath of abjuration. However, I am ready to say that, reserving to the Government full liberty of action hereafter as we may think proper, we are not at present disposed to think that we ought to prosecute the hon. Member for Greenwich for the offence.

Sir BENJAMIN HALL: Then, Sir, I have further to intimate to the House what is the course which I believe the hon. Gentleman intends to pursue. Whatever difference of opinion may exist amongst us, I am sure all can agree upon this point, that, so far as the hon. Gentleman the Member for Greenwich has acted, he has acted fairly and honourably towards the House. He has not condescended to any subterfuge of any sort or kind whatsoever. In consequence of the answer which the noble Lord has now given, I think the only course which the hon. Gentleman can pursue is to come within the House, and take his seat in this assembly to which he has been elected.

Alderman Salomons, who had hitherto occupied a seat below the bar, here entered the House, and took his seat within the bar, on the front Ministerial bench.

Sir ROBERT H. INGLIS rose, amidst great confusion, and appeared to be about to address the House; but was interrupted by—

Mr. SPEAKER who rose, and, silence being restored, said, "That he saw a Member had taken his seat without having taken the oaths required by law; he must therefore desire that the hon. Member do withdraw." [*Great cries of* "Withdraw!"]

Lord JOHN RUSSELL rose, but the incessant cries of "Order!" "Chair!" and "Withdraw!" compelled him to resume his seat.

Mr. SPEAKER said: An hon. Member (Mr. C. Anstey) has put a Motion into my hand. The question now before the House is a point of order, which has the precedence of every other question.

Lord JOHN RUSSELL again rose, but the continued cries of "Chair!" "Withdraw!" and "Order!" rendered it impossible for him to be heard, and he again sat down.

Meanwhile, Mr. Alderman Salomons continued in his seat within the bar.

Mr. SPEAKER again rose and said: I ought to explain to the House that if the hon. Member refuses to obey the order of the Speaker, it is for the House to support their Speaker. This order can only be enforced by a vote of the House. [*Great cheers.*]

Lord JOHN RUSSELL: And, Sir, it was for the purpose of supporting the Chair that I rose. It seems to me, Sir, perfectly clear, and it is a matter on which I will not waste any words, that the House ought to support the Speaker. I do not believe that the Speaker has authority to enforce the order that he has given without a regular Motion before the House; and therefore I now move "that Mr. Alderman Salomons do now withdraw." [*Loud cheers from the Protectionists.*]

Sir ROBERT H. INGLIS seconded the Motion.

Motion made, and Question proposed,

"That Mr. Alderman Salomons do now withdraw."

MR. BERNAL OSBORNE: I rise, Sir, to move an Amendment, the purport of which I have placed in your hands. I beg, Sir, that in order to save the time of the House, you will read that Amendment. I ask to have it read for the convenience of the House.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'David Salomons, esquire, having been returned to serve in this present Parliament for the Borough of Greenwich, and having taken the Oaths required by Law in the manner most binding on his conscience, is entitled to take his Seat in this House,' instead thereof."

MR. CHISHOLM ANSTEY: Sir, I second the Amendment.

MR. SPEAKER: The Motion is, that Alderman Salomons do now withdraw. The Amendment is, to leave out from the word "That," to the end of the Question, in order to add the words, "David Salomons, Esq., having been returned to serve in this present Parliament for the Borough of Greenwich, and having taken the Oaths required by law, in the manner most binding on his conscience, is entitled to take his Seat in this House," instead thereof. The Question I have to put is, "That the words proposed to be left out stand part of the Question."

Loud cries of "Divide!" followed this announcement, and MR. SPEAKER ordered strangers to withdraw.

MR. CHISHOLM ANSTEY, however, rose and attempted to address the House. For some moments he could not proceed owing to the deafening cries of "Oh, oh!" He said, Mr. Speaker—[*Cries of* "Oh, oh!" *and* "Order!"] Mr. Speaker, as soon as—[*renewed interruption*]—as soon as the noisy Members of this Christian House are silent—["Oh, oh!"]—as soon as those who have been characterised as roaring Protestants and roaring Christians — ["Oh, oh!" *and laughter*]—are silent, I will give them an opportunity of answering the case, which they are bound in duty as Members of this House, and bound in honour as gentlemen to attend to. ["Oh, oh!"] Yes, because the case on which you are going to vote—yes, because the case is one of a judicial character—yes, because it is a case which affects the right of an hon. Gentleman who sits beside me to occupy the seat which he has most properly and most constitutionally taken. Sir, it was not my intention to offer anything which should have even the appearance of putting myself in collision with the Chair; but I wished to draw attention, when the letter of my hon. Friend behind me was read, to what I conceive to be a very material error in the Minute of what passed in this House on Friday last. It was stated there, Sir, that the hon. Member for Greenwich did not take the oath prescribed by law. Sir, I deny that the abjuration oath is an oath prescribed by law. It is also stated that the abjuration oath, assuming its legality, has not been taken in the form prescribed by this House. Sir, I deny that this House has prescribed any form whatever to take that oath. Hon. Gentlemen wish to divide. They wish to unseat the hon. Member for Greenwich without inquiry. I ask hon. Gentlemen, is it seemly, is it decent, is it respectful to themselves, to interrupt, in the manner they are doing, that which they are bound by every consideration to which I have adverted to listen to, and to listen to with all respect? [*Marks of impatience continued.*] If hon. Gentlemen are in this temper they will not effect their object; for I conclude with the Motion, "That this debate be now adjourned." [*Cries of* "Oh, oh!"]

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided:*—Ayes 65; Noes 257: Majority 192.

Question again proposed, "That the words proposed to be left out stand part of the Question."

MR. MILNER GIBSON: Before the debate begins, I wish to ask you, Sir, a question. I understood you to say, Sir, on Friday last, and to repeat in substance this afternoon, that the hon. Member for Greenwich must withdraw, because he has not taken the oath in the sense in which the House understands the Act. I believe those were your words exactly on Friday—and in substance to-night. Now, I wish to ask you, Sir, whether you can refer me to any minute of our proceedings in which will appear the sense in which the House understands the Act?—for I desire to proceed with as much information on the question as possible. I wish to know in what form, during the present Session of Parliament, the sense of the House has been taken as to its understanding of the Act, for it is on that our proceedings are now founded.

MR. SPEAKER: I made no reference whatever to any decision of the House during the present Session. I referred to a decision of the House during the last Session of Parliament, made under precisely similar circumstances; when Baron Rothschild, who had been returned to serve for the City of London, took the oaths precisely in the same way as they have been taken by Mr. David Salomons, and the House came to a direct vote that Baron Lionel Nathan de Rothschild was not entitled to vote or to sit in this House until he shall have taken the oath of abjuration in the form appointed by law.—[3 *Hansard*, cxiii., 771.]

MR. MILNER GIBSON: I was not here then, Sir; but I wish to ask whether a Resolution of the last Session, relating to one person, under, for aught I know, different circumstances, is binding upon us this Session in reference to another person? I wish to ask, also, whether the words of that Resolution say more than this—that the oath must be taken in the form required by law? Does the Resolution say that the form in which Alderman Salomons proposes to take it is not the form required by law?

LORD JOHN RUSSELL: With regard to a point of order—I must say I do not think it is convenient for hon. Members to enter into a debate with the Speaker, or to put to him questions which, though when put to Ministers of the Crown, they may be exceedingly proper, are hardly proper to be put to the Speaker of the House. There was a Resolution passed last year, that Baron Lionel Nathan de Rothschild was not entitled to vote in this House, or to sit in this House during any debate, until he should take the oath of abjuration in the form appointed by law. That is the Resolution of the House, and I conceive that the Speaker went by that Resolution, and did not regard the oath of abjuration as having been taken in the form appointed by law—the usual form in which it is administered in this House. It appears to me, therefore, that the Speaker has acted with perfect propriety.

MR. MILNER GIBSON rose to make his apologies to the House and to the Speaker, if, in putting the questions he had done, he in the least appeared to wish to draw the Speaker into a debate. He confessed he had been, perhaps, a little betrayed into error, and would take another opportunity of addressing the House.

MR. CHISHOLM ANSTEY said, as his attention, and that of the House, had been directed by his right hon. Friend (Mr. Gibson) to the precedent—the supposed precedent, as he must call it—of the return of the hon. Member for the City of London, he would say a few words on that subject. The point brought before them by the right hon. Member for Manchester related to the decision of that House on the question of the return of the hon. Member for the City of London, Baron Lionel Nathan de Rothschild. The noble Lord was perfectly right in saying that the House came on that occasion to the resolution he had read; but he had forgotten that they had previously come to another resolution negativing in a direct and formal manner the proposal of the hon. and learned Member for Abingdon (Sir F. Thesiger) to declare the seat of Baron de Rothschild vacant. That Motion was negatived, and by a large majority, the noble Lord, the colleague of Baron Rothschild, voting with the majority on that occasion. It should also have been stated that when the House came to that ambiguous declaration of its opinion, the terms of which had just been read, they also adopted another resolution, to the effect that the previous question demanded the serious attention of Parliament, and should receive that attention early in the next Session of Parliament—a promise which to this day had not been fulfilled. ["Oh, oh!"] He heard hon. Members interrupting, and expressing surprise at that statement; but did they think that the Bill which had just been rejected with so much contumely elsewhere, was a fitting mode of redeeming the pledge given to Baron Rothschild? It was not the case of the Jews, it was the case of the City of London, with respect to which that pledge was given; and to this hour no Parliamentary inquiry had taken place, no Parliamentary satisfaction had been given, either to the City of London, virtually disfranchised of one-fourth of its representation, or to the Member whom they had, by a singular inconsistency, at one and the same time declared to be the sitting Member for the City of London, and yet had prevented, so far as in them lay, from taking his seat. In the annals of Parliamentary inconsistency there could be found no precedent that would justify the course which at that late period of the Session was taken by that House. Some explanation, no doubt, might be found in the fact which he had just stated that the period of the Session was late, and the House weary, and the Ministerial dinner at Greenwich had been ordered a fortnight before. But justification there was none; and he should say, were it the precedent of a former Parliament, to whose memory he should owe no respect, and not the precedent of the present Parliament, to which he owed every respect—that on that occasion, and by that double vote, the House had most solemnly and most egregiously stultified itself. If the case rested there, he should refuse to be bound by that supposed precedent, but it did not. Baron Rothschild made a statement at the table which the hon. Member for Greenwich had not made; he stated that he omitted from the abjuration oath the words "on the true faith of a Christian," because he did not esteem those words to be binding upon his conscience. But the hon. Member for Greenwich had not only made no such statement, but he solemnly declared his reason to be, in a statement now upon record, that he had taken the oath in the form he used, inasmuch as he considered it to be the form prescribed by the statute of 1 and 2 Victoria. The question which the House had to decide in the case of the Member for the City of London, was simply, whether he was authorised to omit words merely because they were not binding upon his conscience: but the question which the House had now to decide, and which it would not decide, he trusted, until after grave and anxious deliberation, was, whether a vote of that House was to deprive his hon. Friend (Alderman Salomons) of the seat which he occupied by virtue of an Act of Parliament. ["Divide, divide!"] Hon. Members who expressed such earnestness for an immediate division, only showed that they had prejudged the case. The Act of Parliament to which he alluded was a declaratory Act; and his hon. and learned Friend the Member for Midhurst (Mr. Walpole), and his other hon. and learned Friends who had taken part in the recent debate upon the subject of Ecclesiastical Titles Bill, had so well explained the immense distinction between a declaratory Act and a mere enactment, that it would not be necessary for him to trouble the House with any observations upon that part of the subject. However, this was a declaratory Act, and these were the terms of it:—

> "Be it declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That in all cases in which an oath may lawfully be and shall have been administered to any person, either as a juryman or a witness, or a deponent in any proceeding, civil or criminal, in any court of law or equity in the United Kingdom, or on appointment to any office or employment, or on any occasion whatever, such person is bound by the oath administered, provided the same shall have been administered in such form and with such ceremonies as such person may declare to be binding."

Now that was the ground on which his hon. Friend near him stated that he had actually taken the oath of abjuration in the form prescribed by law, and the Resolution of the House in the case of Baron de Rothschild required no more than that; it simply stated that Baron Rothschild should not be entitled to take his seat until he had taken the oath in the form prescribed by law. There was not a word about the sense which that House might attach to it; not a word about Parliamentary precedents; not a word about that usage which he should now endeavour to show to the House, had been an erroneous and depraved usage, although sanctioned by Parliament for the long term of about forty years. He went further than his hon. Friend; he maintained that not only had his hon. Friend taken the oath in the form prescribed by law, assuming it to be legal, but he had sworn a great deal that he could not legally be required to swear. He affirmed that the oath in question was one which could not be lawfully administered at that table, or the table of the House of Lords, to any man whatsoever. He said this without fear of being accused of inconsistency; for, being a Roman Catholic, the oath was never administered to him; had it been so, he should have stated at the table, or in his place, or at the bar, his reasons for thinking that, since the death of George III., that oath had ceased to be lawful. Its history was this. It was first enacted by the 13th William III., c. 6, and the form as there set forth was to be found in the Report of the Committee of that House. That oath abjured the right of James III., lately called the Prince of Wales, and bound the person taking it to support and maintain the succession of the Princess Anne of Denmark, and further to maintain the contingent succession, when it should fall in, of the Electress Sophia of Hanover. The unexpected death of William III. made it necessary to alter the oath. It was felt that the oath expired with the dynasty for whose protection it had been enacted; but, notwithstanding, the two Houses of Parliament took it upon themselves, by a special resolution founded upon the reports of Committees of their respective Houses, to make certain alterations in the wording, leaving out the words "our Lord King William," and inserting the words "our Lady Queen Anne," and substituting the word "Queen" for "King" throughout the oath. In the House of Lords' Journals an entry of the fact appeared, under date March 10, 1701, and the oath was ordered to be engrossed on a roll of parchment; and in the House of Commons' Journals, under date March 24, 1701, it was stated that the Speaker and the Members present took the oath provided by an Act passed in that Session, entitled an "Act for the further Security of His Majesty's Person," &c., with the variations ordered by the House. So far, hon. Members would see, there was an opportunity of declaring, by a Resolution of the House, the variations which it was fit to make in the wording of the oath. In the same Session of Parliament, the Act of 1st Anne, cap. 22, was passed, entitled, an "Act to declare the alterations in the Oath appointed to be taken by the 13th William III.;" and enacted that for the future the oath, with the alterations made, should be taken by Members of Parliament. Similar alterations were made by the Act 1st George I., cap. 13, the contingent succession of the Electress Sophia of Hanover having fallen in for the benefit of her son the Elector. The last occasion on which this oath was altered was in the beginning of the reign of George III., and the oath, as set forth in the Act then passed (6 George III., c. 53), entitled "An Act for altering the Oath of Abjuration and the Assurance," was in the same form as that now on the table, with the exception of the words "United Kingdom of Great Britain and Ireland" for the words "Great Britain" only; and the name "Victoria" for that of "George III.," and "Queen" for "King;" and the first recital of the preamble of that Act expressly states that, in consequence of the political events which had happened, namely, the death of George II., and of James III., and the accession of Charles Edward to his pretensions to the sovereignty of this realm, it had become necessary to alter the oath. At that time the line of the Stuarts was still in existence, and the oath of abjuration had its appropriate meaning; it was levelled against the descendants of James II., and upon every new demise an alteration in the wording was made. That princely house was now extinct; and he had, therefore, a right to assume that if the question had been again submitted to Parliament, it would have been proposed entirely to repeal the oath of abjuration, those against whose claims it was levelled existing no more, and the Jacobites of this country and Ireland having been absorbed in the ranks of the Tories. It was the object, at that time, to conciliate the sympathies and affections of the Jacobite interest; and nothing but the conviction that the oath itself had become obsolete, and that there was no occasion to pass an Act repealing an oath which no longer existed, prevented its statutory repeal from being immediately effected on the death of the last survivor of the Stuart line. Two remarkable occurrences had taken place before the final extinction of that line. Upon the death of Charles Edward, Henry Duke of York assumed the style and title of Henry IX. That was an event which would have justified an alteration, but none was made. So also, at the union of Great Britain and Ireland, and the creation of the United Kingdom, no alteration was made. Since the death of George III., in 1820, he maintained that the oath had been taken without authority. But thirty years could not give prescription legal force in a matter that involved popular rights and Parliamentary privilege. The first point, therefore, that those who contested the right of his hon. Friend to remain in the seat which he then occupied, and again to exercise, as he had already once exercised, the right of voting in that House, must begin by proving that the 6th George III. was in force for any purpose, and that any Member of that House was compellable, without an Act of Parliament, or even without a Resolution of that House, to take the oath altered as it was by the caprice or whim of former officers of that House, or to take the oath without those alterations. And when they had proved that, they would still have to argue the question presented to them last year—and he had looked in vain to the lawyers who led the van of what they called Christianity for an answer—whether the words "on the true faith of a Christian" belonged to the oath at all, or were simply part of the ceremonial or solemnity of taking it. Now, if a doubt upon this matter could be shown, the benefit of that doubt clearly belonged, as a matter of right and privilege, to the individual who was put upon his trial, and whom it was sought to disfranchise and deprive of his privilege, and much more when it was also sought to subject him to vexatious and heavy penalties at law. On the subject of penalties he might state that one part of them were of such a character that that House, and it alone, could apply them, while the other and least grievous portion was capable of being applied only by the Courts of Common Law; but it was the same offence and the same Act which subjected the presumed delinquent to both classes of penalties—so that if that House were to declare his hon. Friend '(Mr. Salomons) a Popish recusant convict, he would suffer accordingly, and would be for ever ineligible to sit in Parliament. Now, let the House see what it was about to do if it voted, either on that or any other occasion, that which might be quoted as an authority in a Court of Law. By the Bill of Rights it was for ever conceded to either House of Parliament, that the freedom of speech in debate, or of the proceedings in Parliament, should not be impeached or questioned in any court or place out of Parliament, so that when that House, by a hasty vote, decided that which in any way impeached the right of his hon. Friend to the seat which he occupied, a Court of law would be obliged to pay the highest respect to their decision; they would not dare to question or impeach it, for the Judge who did so might be questioned at the bar of that, and impeached before the other House. On the other hand, if the noble Lord at the head of the Government had, in his capacity of leader of that House, accepted the invitation of the hon. Member for Marylebone (Sir B. Hall), and had given a promise that the Government would bring this matter before a competent Court of Law for decision, and in the mean time that House had suspended its proceeding, there was no doubt whatever that the judgment of the Court of Law, though not binding on that House, would be entitled to the highest attention within its walls, and that whatever had been the decision of the Court of Law, such would become the decision of Parliament. At present they had no decision of any court to guide them, and they were left dependent upon such statements of the law as were made by hon. and learned Members upon one side or the other. Now it was well known that there were no questions more wearisome to hon. Members, or which the House was less fit to decide, than legal points; and for that reason it was not fitting that it should become the judge on questions of law involving the rights of individuals and of constituencies, and the constitutional privileges of the people. Such, however, being the decision of the noble Lord, the duty was imposed upon himself and those who thought with him, of explaining to the House the decision at which they had arrived, and of endeavouring to obtain to that decision the assent of the majority. The broad question at issue was, whether a gentleman of the Hebrew persuasion had now, by the common law, or by statute law, or by vote of that House, to take his seat within that House, being elected thereto by a free constituency. That he had that right, he (Mr. Anstey) had no doubt whatever. He had it at common law; for there was no doubt that the Jews born in this realm were, by the common law, natural-born subjects, and not aliens, and were therefore entitled to all those privileges which in later times had been denied them. The authority of Bracton (the highest known in this country upon feudal law) showed that in his time they could hold land, for he said that the cases of the Jews and of monks stood precisely on the same footing with regard to the right to hold land; that land might be given in mortmain, and to the Jews, except in cases where the giver thought himself prevented by some clause in the deed under which he himself claimed; and he went on to use these strong expressions:—*Et quod talibus personis dari non poterit sicut aliis, nulla ratio vel necessitas illud inducit, nisi tantum modus donationis.* The authority of Coke and Selden was to the same effect; and Madox, in his *History of the Exchequer*, set forth writs by which it appeared that great part of the land of the country, notwithstanding the feudal laws, was vested in the Jews by name, and that without the intervention of trustees they bought, sold, gave, and received land down to the reign of Edward I. The Jews had therefore the position of freemen in this country; and the same writer, in enumerating the different classes of men in England, thus distinguished them as "barons, vavasours, knights, freemen, and villeins," but made no other distinction; and all the rights belonging to freemen, being Christians, belonged equally to freemen being

Jews. Those communities, or bodies, too, which preceded the constitution of the present High Court of Parliament, and exercised, each in its degree, a part of the functions which now belonged exclusively to Parliament as a whole, were accessible to the Jews. They were members of the tithing, the hundred, and the shire courts; and they sat in the communities of merchants, to whom, before the institution of that House, the Sovereign was obliged to have recourse for the powers to tax his people, or to change the law under which they were governed. Just before the rebellion of Simon de Montfort, a large subsidy was granted to Henry III., by a body called the Community of the Jews, elected in pursuance of the King's writs issued to the bailiffs of every town, or the sheriffs of every county, in which the Jews resided; that body sat by the side of the Convocation of the Clergy and the body of Nobles, and exercised the same powers over those of their own community which these bodies exercised in the realm. The Jews did not appear in the first Parliament, that of Edward I., because in the meantime, by an ordinance emanating from the King, but not sanctioned by the Estates of the realm, every Jew had been forced to go abroad, and the whole of his property had been taken from him, and vested in the King; no Act of exclusion was, however, passed, and if the Jews had thought fit to return to the country, and to trust themselves to that which they had too much right to distrust, the protection of the English law, they might have re-entered upon all the rights of which they had been thus deprived. Coming down to the next period of constitutional history, he found that the question of whether Jews were aliens or not, was raised in the reigns of Charles II., James II., and William III., and, after elaborate argument, it was decided in their favour by the Privy Council, who released them from the payment of alien dues. In the reign of William III., Parliament attempted to impose upon them an exceptional tax, in order to raise a subsidy of 100,000*l.*; they petitioned against it; it was justified by the assertion that they were aliens, but they proved at the bar of the House that they were not; the Bill was dropped, and they were taxed on the same footing of natural-born subjects, at a rate equal to one moiety of what the nonjuring Protestants and Roman Catholics were taxed at. Such was the decision of a Parliament which for a period of twelve years left them eligible to a seat in Parliament; for there was nothing which now prevented them taking their seats, except the 13th William III., which for the first time introduced into what the noble Lord (Lord John Russell) properly called "the fag end" of the abjuration oath, the words, "on the true faith of a Christian." It became, therefore, the question, whether the words thus introduced, constituted an objection to the admission of the Jews into Parliament. Now the very words "abjuration oath," showed significantly enough that it was not intended to guard against any mischief or danger apprehended from the Jews, but that it was passed to guard against those which were likely to arise from Roman Catholics, or from those whom in our modern nomenclature we should call Tractarian Protestants—the High Church party among Anglicans, and the Roman Catholics generally, being then much attached to the cause of the exiled house of Stuart. That oath should be no objection to the admission of the hon. Member if its substance were regarded; it was an abjuration of the exiled line, and a declaration that Queen Victoria was the rightful Queen and Governor of these realms: now in the first two oaths which he had taken, his hon. Friend (Mr. Salomons) had affirmed both these propositions; and he had moreover done, what he (Mr. Anstey) would never do—renounced all ecclesiastical and spiritual jurisdiction within this realm claimable by any person other than Her Majesty; so that he had shown himself, according to those who raised this objection, more loyal and better fitted to sit in Parliament than the Roman Catholics, and still they proposed to exclude him. Then that oath which operated to keep him (Mr. Anstey), and such as him, out of Parliament, so long as the Stuart line lasted, had been repealed so far as they were concerned—that oath was put to them no longer—and that, he thought, proved the justice of what he had said before, that if the attention of Parliament had been deliberately drawn to the subject, in the reign of George III. or George IV., before this question was raised, they would have repealed this senseless oath altogether. But the question still arose—if this oath was a legal oath, as he was persuaded it was not, and not a voluntary and unlawful oath, could Parliament, however alive to the grievance and absurdity of depriving a man of his right by virtue of the fag end of an oath not intended to apply to him, grant relief unless both Houses concurred. It was a question of the privileges of the House of Commons; and he thought that when that House had most injudiciously asked the concurrence of those in another place, the latter would have shown a better sense of their own dignity, and a greater desire to preserve a good understanding between the two Houses, if they had acquiesced in the decision of that House, and had passed the Bill which the House of Commons had sent up to them, without remonstrance. They had, however, refused to do so, and the House of Commons was therefore thrown back upon its undoubted privileges. The case was further advanced than it was last year. The hon. Member for Greenwich was in his place. He had shown a courage which should have been shown by others. And furthermore there was a claim upon the House of Commons for the performance of the pledge which they had given to the other Member of Parliament who had been prevented from taking his seat—that in conjunction or not in conjunction with the other House of Parliament, they would apply themselves earnestly to remedy the mischief and the grievance of which he so justly complained. Now that House had the exclusive jurisdiction over all questions affecting the seats of their own Members, and it had also the power of removing all obstacles which might be placed in the way of the title of any claimant in whose favour they decided, or of its exercise by him. That was the case of Baron Rothschild. For form's sake they had invited the House of Lords to concur with them in a declaratory Act; they had not chosen to do so, and they were therefore called upon to decide whether they could not do that by a Resolution which they had proposed to do by a declaratory Act. A declaratory Act did not change the law, but only affirmed the law. They did so in the case of Mr. Pease, which was even a stronger case than the present, for he refused to take any oath at all; whereas the hon. Member for Greenwich had taken all three, two without dispute, and the one now under consideration. In the case of Mr. Pease they might have followed the precedent in the case of O'Connell, where they decided that, however willing they were to grant relief, and however much inclined they might have been to allow him to retain his seat, if his objection had taken some other form, they were obliged, in consequence of his distinct refusal being on record, to declare the seat void, and to order a new writ to issue. But Mr. Pease was allowed to enter the House; his seat was unquestioned, and they seated him by a Resolution, and then asked the House of Lords to agree with them in a declaratory Act, the only utility of which was, that the practice of both Houses might thereby be rendered uniform, and a Quaker might sit in the House of Lords. Why, then, was a different course to be taken now? Why was the House of Commons to begin by asking the House of Lords to qualify any gentleman whom Her Majesty pleased to honour to take his seat in the House of Lords as a condition precedent to the Commons venturing to admit him to a seat which they had declared to be his by law? This was a surrendering of their privileges, of which there was no precedent upon their Journals since the bad days of the Stuarts. He contended, however, that there was really nothing in the oath or in the law to keep the hon. Member out of the House. What was the fag end of it? "Upon the true faith of a Christian, so help me God." Now it was admitted, he supposed, that the words "so help me God" were not material; because, strange to say, if material, they did not appear in the Act George III., and had, therefore, been added either by a vote of the House or by their officer. Now if these words were immaterial, the only words which it was said were material were those "on the true faith of a Christian." Now hon. Gentlemen who pretended that that House had power to change "George III." into "Victoria," "King" into "Queen," make changes of that kind, and continue the whole substance of the oath after the Act intended to preserve it had expired, by a singular inconsistency also contended that Parliament could not omit words of ceremonial and solemnity, because, forsooth, they were contained in this Act of Parliament. Would the Judges of the land allow the course of justice to be obstructed by such miserable sophistry as that? Why those who presided in our Courts, and even in our ecclesiastical courts, changed the simple form of abjuration into what many hon. Members would consider to be blasphemous, idolatrous, and almost obscene attestations, in accordance with the faith of heathen witnesses. If they had power to do this, they would have had the power, and would have exercised it, to qualify the Jew by omitting the words which were not binding upon his conscience. A believer in Buddha was sworn in the form he believed binding; he declared, as in the presence of Buddha, that he was unprejudiced, and he continued—"If what I have spoken shall prove to be false, or if, by colouring the truth, others shall be led astray, then may the three holy existences, namely, Buddha, and D'hamma (Dhurma, or the sacred Bali writ, personified), and Phra Sangha (or the hierarchy), in whose sight I now stand, together with the glorious Dev'atas, of the twenty-two firmaments, punish me." The oath went on to invoke vengeance upon the migrating soul. This oath was administered to a Chinese woman by the House of Lords (who were against the admission of the Jews) in a divorce case in July, 1846. The following was what passed:—

> "On calling a Chinese woman servant, with a gentleman who acted as interpreter, Lord Brougham inquired whether it was not required of her to break a saucer before she gave her evidence? The interpreter said that she was very reluctant to be sworn a second time, and that her gods would be very angry with her. Lord Brougham: 'Tell her that her gods will punish us, and not her, if anything wrong is done.' The interpreter endeavoured to induce her to take the oath, but she still declined. Lord Brougham: 'Tell her that no calamity can befall her if she will consent to be sworn.' She still persisted in adhering to her religious opinions. After several ineffectual attempts to have her sworn, Lord Brougham said to the interpreter, 'Tell her that we shall be under the necessity of committing her to prison if she will not be sworn.' She ultimately consented to be sworn.' Next day, 'The female Chinese, whose name was Kowhan, was then called in, and Lord Brougham desired the interpreter to tell her, 'that now she has been sworn (this was done yesterday with the formality of breaking the saucer), if she does not speak the truth her gods will punish her.' The interpreter then made her acquainted with the noble and learned Lord's remark. Lord Brougham: 'Now ask her who are her gods.' In reply, she said, through the interpreter, that the chief was Buddha. Lord Brougham: 'Tell her that Buddha will punish her most severely if she does not speak the truth, and that she will be also punished in this world if she does not speak the truth.' This observation being explained, she replied in Chinese, 'I will speak the truth.' The witness was then examined."

This was a very good doctrine to come from a noble and learned Lord, a member of that assembly which had so conscientious an objection to the House of Commons exercising its own privileges in connexion with one of their own members. He was not, however, at all finding fault with Lord Brougham, who had, he thought, acted quite correctly, and who did not participate in the miserable bigotry of which they were now complaining. He would only state in addition to this, that when a Mahometan was sworn, the oath, according to his own faith, was merely recited to him by the officer of the court, and he said, "Yes." In a case in the Central Criminal Court, 'Regina *v.* Entrehman and Samut, (*Carrington and Marsham*,' 248), the prosecutor (Assang) was called, and, on getting into the witness-box, immediately knelt down, and a China saucer having been placed in his hand, he struck it against the brass rail in front of the box, and broke it. The crier of the court, who swears the witnesses, then, by direction of the interpreter, administered the oath in these words, which were translated by the interpreter into the Chinese language: "You shall tell the truth and the whole truth; the saucer is cracked; and, if you do not tell the truth, your soul will be cracked like the saucer." The prisoner was found guilty, and sentenced to fourteen days' imprisonment. Now, if that branch of the Legislature forfeited its Christian character by exercising its constitutional privileges in the admission of his hon. Friend by a Resolution, he wished to know whether the Central Criminal Court, or the Privy Council—which continually received and acted upon depositions received from India—or the House of Lords which passed the Divorce Bill on the evidence to which he referred, forfeited their character as Christian courts? He contended that his hon. Friend was entitled to the rights which the constitution gave him, and that his constituents were not, by a vote of that or the other House, to be defrauded of the right which belonged to him. If the seat was full, the House had no power, according to the precedent of last year, to order a new writ to issue, neither had it power to prevent his filling that seat, and exercising the privileges which appertained to it. It was upon these considerations—first, because the Act 1st and 2nd Vict., of which Lord Denman had the immortal honour, had placed the Jew in all respects in a state of perfect equality in the matter of oaths, and entitled him to insist on the dispensation which he claimed; and, secondly, because he thought the oath as it was put was not a lawful oath, and there was no power in the House to impose it upon any Member; and, thirdly, because it was the person who claimed the franchise that ought to have the benefit of the doubt, and not those who challenged the franchise, and would trample it under foot, that he asked the House to do justice by admitting his hon. Friend to the privileges to which his seat entitled him, and to disregard, as contrary to their own rights, the adverse assumption of the House of Lords.

The gallery was cleared for a division; but Mr. BERNAL OSBORNE rose to reply amidst loud cries, and said, he thought, before they came to a decision, he had a right to address the House, He believed he moved the substantive Motion, and he thought that the Speaker was mistaken in deciding that he could not do so.

MR. SPEAKER: I will tell the hon. Member exactly how the question stands. The hon. Member for Greenwich having taken his seat without having taken the oaths, a Motion was made that the hon. Member do now withdraw. That Motion has precedence of all others, being a question of privilege. To that Motion the hon. Member for Middlesex (Mr. B. Osborne) moved an Amendment; and, in doing so, forfeited his right to address the House on that question. The hon. Member put an Amendment without making a speech, and then claimed to have the right to be heard upon it.

MR. HOBHOUSE: I understand the hon. Member did not make the Motion which you suppose him to have made; so I presume you will retract your judgment, and allow the hon. Member for Middlesex to address the House.

MR. SPEAKER: The hon. Member is mistaken in supposing that no Motion was made. A Motion was made by the noble Lord the Member for the city of London, that Alderman Salomans do now withdraw; and on the question being put, an Amendment was put into my hands by the hon. Member for Middlesex; and having put that Amendment into my hands, he has forfeited his right to speak until the Amendment has been disposed of.

MR. T. B. HOBHOUSE said, the judgment of the Chair was indisputable in that House; he bowed with deference to the expression of the Speaker's opinion, and he took it to be the proper decision on the subject; but he believed that he was himself entitled to speak, and being entitled to speak he might suggest to the House that some grave difficulties might arise if they ordered the hon. Member for Greenwich to withdraw from the House. On a former occasion he had heard the hon. and learned Gentleman (the Solicitor General) express himself with the greatest zeal and judgment, and with the greatest ability and legal acumen, in favour of their brethren the Hebrews; he hoped the hon. and learned Gentleman would be inclined, on the present occasion, to rise and favour them with his opinion on the subject of this debate. As far as he (Mr. Hobhouse) could examine the subject, his opinion was that a Member elected to that House might sit and vote if he chose to run the risk of incurring the penalties appointed by law if the case were decided against him. He believed that many minors had sat in that House; in the reign of Charles II., Waller, the eminent poet, sat there at the early age of sixteen; and he believed that Charles Fox, an eminent statesman, revered by one side, however he might be perhaps repelled by the other, sat in that House when he was a minor. He did not know that either the one or the other had voted in that House, but he believed that both the one and the other might have voted in the House, provided they were ready to incur the responsibility appointed by law. He believed this was the case of the hon. Member for Greenwich. He (Mr. Hobhouse) believed he might sit and vote, as far as he had heard, and he should like to be enlightened on the subject by the law officers of the Crown. He believed the hon. Member might sit and vote and incur penalties, and then it was for any Gentleman at the other side of the House to enforce them—no person out of the House could do so, for strangers were excluded on divisions; but any Gentleman at the other side might pursue the hon. Member (by a prosecution) for the penalties. He (Mr. Hobhouse) would advise the Speaker humbly, and with great respect, not to render himself liable to any penalties. He would advise him to let the subject be taken before a Court of law, which had before overruled the proceedings of that House. He would remind the House of what had taken place in the case of the Sheriffs, where it was virtually determined that they had no power to commit, and they might perhaps now determine and advise the jury that an action for penalties did not lie, and if so, the hon. Member for Greenwich would take his seat in the House; and when he did take it, no person would be more ready than he (Mr. Hobhouse) to shake him by the hand, though he had not the honour of his acquaintance. No person would be more glad to see him place himself at the table of the House; and as he had already sat with the penalties of the law suspended over him, no person would be more desirous to see him take his seat, without the fear of those penalties, amongst Christians and amongst men willing to discharge their duty to their country. The electors had a right to return the man of their choice, and he thought it was an infraction of their privileges to presume to control their judgment. He respected the decision that had been come to in another place, so far as the decision was worthy of respect, and not one bit further. He thought that the Commons ought not to invade the just rights of the House of Lords, and he believed there was no man in that House who would desire to enter into a collision with their Lordships. It was quite enough to say that a way was proposed by which the difficulty might be avoided. He believed it was proposed to be evaded by the hon. Member for Greenwich taking his seat by law—that was, by the decision of the Judges of the land; and on that ground, and on the arguments urged in favour of this case, he would not be inclined to vote that the hon. Member for Greenwich should withdraw. He would vote that he should take his seat there forthwith; he would vote that the hon. Member should subject himself, if he pleased, to the risk of the penalties. Whether he was ready to do that, he (Mr. Hobhouse) knew not. He was not of the Jewish councils—he had not taken any part in the deliberations on the subject; but of this he was sure, that if many Christians performed their duties as well as some of the Jews, they would have an improved state of society. It mattered nothing to him whether he received applausive cheers or ironical cheers. He was there to do his duty and he would do it. He believed that on a former occasion he had been the means of preventing the noble Lord at the head of the Government from doing wrong, and of saving the House from being misled. The hon. Gentleman had been properly elected Member for Greenwich; no petition was presented against him—no person complained of an undue return for Greenwich. The hon. Gentleman was as much a Member of the House as the right hon. Gentleman who filled the chair. [*Cries of* "Question!"] The question before the House was the Jewish question, and on that question he was determined to deliver his sentiments. They might be involved in proceedings that would derogate very much from the dignity of the House, and he was anxious to hear several Members on the Treasury bench —he was anxious to hear the law officers of the Crown on the subject. When he saw that a case of this constitutional magnitude and gravity was to be determined almost like a Turnpike Bill, or a Private Bill—when he saw those things were to be let pass by in that way, like the idle wind which they respected not—he warned the House against the course which they were taking; he warned them that the hon. Gentleman had a right to take his seat—and he warned the right hon. Gentleman in the chair that he had no right to direct him to withdraw. He might as well tell him (Mr. Hobhouse) to withdraw, as the hon. Member for Greenwich. That hon. Gentleman had taken his seat in that House as a Member of it; as a Member, he (Mr. Hobhouse) was determined to support him, and maintain the constitution.

The ATTORNEY GENERAL said, that, in consequence of the appeal which had been made by the hon. and learned Gentleman the Member for Lincoln (Mr. Hobhouse) to the law advisers of the Crown, he was induced to trouble the House with a few words. To him the question appeared simple and plain. His hon. and learned Friend had just suggested that the hon. Member for Greenwich should be allowed to take his seat and vote in the House, subject only to those penalties that he might incur by doing so, to be enforced elsewhere, before the ordinary tribunals of the country. In that view he (the Attorney General), for one, could not concur. The House had another duty to perform. The Act of Parliament expressly prohibited any Member who did not take certain oaths—amongst them the oath of abjuration—from sitting or voting in that House. [*Cries of* "No, no!"] Some hon. Gentlemen might say "No;" but he could only say that they must not have read the statute. Nothing could be more plain—the Act of Parliament prohibited it in the most express terms—there could be question about it. [*Cries of* "Read!"] He would read it in a moment. It was enacted—

> "That from and after the 29th of September, 1715, no person that is now, or hereafter shall be, a Peer of this realm, or Member of the House of Peers, shall vote or make his proxy in the House of Peers; nor any person that now is, or hereafter shall be, a Member of the House of Commons, shall vote in the House of Commons, or shall sit there during any debate in the said House of Commons, after their Speaker is chosen; until such Peer or Member shall, from time to time respectively, take the Abjuration Oath aforesaid, instead of the Oath of Abjuration which before by law ought to have been taken, in such

manner, and together with such other Oaths, and Declaration against Transubstantiation, as the said former Oath of Abjuration ought to have been taken."—1 Geo. I., st. 2, c. 13, sec. 16.

[An Hon. MEMBER: Do not go so far back.] The present law refers back to this Act; it said the oath was to be taken in the same way, and this Act of Parliament was still binding on all persons. [*Cries of* "Read!"] He would read it, and if hon. Members conceived he had read it wrongly, they would have plenty of opportunities of examining it. But he believed he was right; he had not a shadow of doubt that such were the words of the Act of Parliament—that those words were binding—and that no person could sit or vote without taking the oaths. The question was, would the House allow any Member to sit there who had not taken the oaths? It was said that certain penalties were attached, and that it would be sufficient to have them enforced. He (the Attorney General) said No. He said that the House were rather to take cognisance of a question affecting their rights and privileges. Any Member who sat and voted was subject to the cognisance and jurisdiction of Parliament alone. True, they had abandoned the jurisdiction of Parliament in certain cases by statute, but that only related to elections and returns; this was not a question of election and return, but a question that arose after election and return as to certain oaths to be taken by a Member after he is elected to the House. It was a question within the immediate jurisdiction of the House; and when a case had arisen like the present, and a Member had been returned to Parliament who presented himself at the table, and declined to take the oaths in the manner prescribed by law, there was the duty imposed upon the House, not only to obey the law, but to enforce the law. He took that to be the clear duty of the House, from which it could not and dare not shrink. He was aware that certain hon. Members contended that the hon. Member for Greenwich had taken the oaths; but on that question the House had come to a positive and solemn decision last year; in that decision he most solemnly concurred, with the greatest possible reluctance, for none of those Gentlemen who were anxious that the hon. Member for Greenwich should take his seat, could feel a deeper anxiety on the subject than he (the Attorney General) did. He believed that the operation of the existing Acts of Parliament to the exclusion of the Jews was merely an accident in legislation, and that the law was never intended to apply to them; it was a disgrace to the law that such an accidental operation of the law should be experienced; but while he felt that strongly, and desired the law to be altered, he felt also that the House, acting on a matter within its judicial cognisance and jurisdiction, had but one course to pursue, namely, to administer the law. He felt they had no alternative; and being satisfied that the oath had not been duly taken—partly from his own view of the law, and partly from the Resolution to which the House itself had come last year—he could not for a single moment conceive that the House could hesitate as to the course it ought to pursue. The rule upon which they acted when a petition was presented, did not apply to a case where there was a statutory prohibition against a Member taking his seat; and that was the case here. The hon. Gentleman refused to take the oaths, and they had only one straightforward course to take—that was to obey the law, and to enforce the law, because they were the only tribunal to administer it. As to the notion of this matter being decided by one of the Courts of Law, on the hon. Gentleman sitting and voting and subjecting himself to penalties, that was another question from that which they now had to decide; but that House could not give up their right of jurisdiction over a matter that came within it. And, indeed, if the question of penalties was determined by a Court of Law, that would not determine the question as to whether the hon. Gentleman had a right to sit in that House, nor would it warrant the House in shrinking fromt he duty they had to perform. Whatever desire there might be on his part to take an opposite view of the question, he would not be discharging his duty if he did not at once boldly declare his opinion, that the hon. Gentleman not having complied with the requirements of the Act of Parliament, and not having taken the oath prescribed by law, there was only one course to pursue, and that was that he should be ordered to withdraw.

MR. MILNER GIBSON: Sir, I concur very much in one part of the speech of the hon. and learned Gentleman, namely, that in which he said the House has a jurisdiction of its own, and must decide whether the hon. Member is entitled to sit and vote here or not. But, inasmuch as the decision to which this House must come ought to be founded on its understanding of the law, as a Member of this House, I feel entitled to say what I believe ought to be the understanding of the law. It is not so very easy a question as might be supposed. Just observe what is our position. First of all, we have an Attorney General of a former Administration (Sir F. Thesiger) who tells us that the swearing upon the Old Testament is illegal. If I understand him right, he tells us he thinks that even if the hon. Member for Greenwich did pronounce the words "on the true faith of a Christian," inasmuch as he would not have been sworn on the Holy Evangelists, the oath would not be a good one, and he could not sit or vote. Thus we have one eminent law officer of the Government who considers the New Testament a *sine qua non.* There is another, the Attorney General of the present Government (Sir A. Cockburn), who tells us that the hon. Member is at liberty to swear on the Old Testament, provided he will say "on the true faith of a Christian." That is his understanding of the law. He says the oath will have been properly taken by a Jew swearing upon the Old Testament, and using the words "on the true faith of a Christian." Then we have another hon. and learned Gentleman, the Solicitor General. What does he say? He says that if the hon. Member for Greenwich swears upon the Old Testament, though he omits the words "on the true faith of a Christian," he will have complied with the law, and the oath will be a good one. Now, Sir, with the greatest respect for the House, I do say that we are placed in a position of more than ordinary difficulty, when we find the two law officers of the Crown differing entirely from one another, and the chief law officer of a former Government differing from both of them. To suppose that the House must consider this as a clear and obvious matter, would be to entertain an hypothesis which is entirely out of the question. I foresee that there may be great difficulty in this question, and the feeling of my mind is this, that as you are going to impose a penalty, not only on the hon. Member for Greenwich, but also on the constituency which has returned him to this House, it is not an unreasonable idea that in a case so entirely doubtful you should give the benefit of the doubt to the man on whom it is proposed to impose the penalty. Is it not a principle of law in our courts, that if there be any doubt as to the effect of penal statutes, the benefit of that doubt should be given to the prisoner? So I say, in this case, without going into the question of law myself, that the mere fact of our seeing all these eminent legal Gentlemen at direct issue with each other on this question, should induce the House to entertain a prepossession in favour of the hon. Member for Greenwich, and to say, "Well, after all, if this be really such a very doubtful point, why should the House of Commons identify itself with one side of the question, and put a construction on a difficult point of law which may have the effect of inflicting such grievous injury on the hon. Member for Greenwich, and on those who have sent him here?" Well, now, with regard to the swearing upon the Old Testament, it does appear to me a very strange thing that if you are convinced in your own mind that the words "on the true faith of a Christian" are of the essence and substance of the oath, you should have acted as you have done. If you knew this beforehand, what sense was there in your allowing the hon. Member for Greenwich to be sworn on the Old Testament? Why, I agree with the hon. and learned Member for Abingdon, that if it be of the essence of the oath to pronounce the words "on the true faith of a Christian," the House ought not to have allowed the oath to be administered on the Old Testament. It is absurd to say that the sign of an oath ought to be one thing, and the words in which you pronounce the oath another. I say that the words of abjuration, and the sign of abjuration, must stand upon the same footing. If you abandon the sign of abjuration, you must allow the words of abjuration to be omitted also. I contend that the argument which was used by the noble Lord at the head of the Government, as to what was done on some former occasion, in the reign of George I., when it was intended to allow Jews to omit the words "on the true faith of a Christian," applies in this case. By the 10th of George I., I think, it was intended that Jews should be relieved in a particular case from the necessity of using the words, "on the true faith of a Christian." Well, then, says the noble Lord, "I find that when the Legislature meant these words to be omitted in the abjuration oath, it distinctly enacted it, and, inasmuch as we have no similar enactment for the case before us, we must enforce the words. But just observe what that Act said. Did it refer merely to the words "on the true faith of a Christian?" No, it went further; it gave permission also for the Jew to be sworn as in a court of justice, on the Old Testament; otherwise he would have had to be sworn on the Evangelists. The Act placed the words and the sign of abjuration on the same footing; for while the Act gives permission to omit the words, "on the true faith of a Christian," it goes on to say, "And the taking the said oath by persons professing the Jewish religion in like manner as Jews are admitted to be sworn and to give evidence in courts of justice, shall be deemed to be a sufficient taking of the abjuration oath." Well, then, if the Act also gave an express permission of the use of the Old Testament only in the particular case, what becomes of the argument of the noble Lord founded on this Act of George I., now that he has agreed to the use of the Old Testament without a statutory permission to do so in the case now before the House? I therefore, Sir, view the matter in a different light altogether, and it appears to me this very Act of George I. that has been quoted against the claim of the hon. Member for Greenwich tells rather in his favour, for it shows the Legislature has dealt with those words of the adjuration and the sign of the adjuration at the same time, and seems to have understood that they should be put on the same footing. Therefore, I say, if you have allowed the Old Testament to be used, you must permit the words "on the true faith of a Christian" to be omitted. I would put it to the House whether that is not the natural inference. I am no lawyer, and on a legal question I speak with all deference; but in considering this question as a Member of this House, I wish to bring common sense and reason to my aid. And when the hon. and learned Attorney General tells us that no man can sit and vote in this House without first taking the oath of abjuration, I want to know what he means —whether he means, without taking the oath as the law stood when the original statute passed, or without taking the oath as the law stands now? I entirely concur with the Resolution of last Session, if I read it properly. I think it is obvious that no man can sit and vote in this House until he has taken the abjuration oath in the form according to law. I admit that; but the question is, what is the form according to law? And with submission I say that the form according to the present law, is not the form according to the law as it stood when the Act was passed. Then the oath must have been taken on the Evangelists; and as you have yourselves decided it may now be taken on the Old Testament, to what conclusion are we brought? Why, the obvious inference is, that it will satisfy the law, and the oath will be taken within the meaning of the Abjuration Act—if it be taken as the law may require it to be taken from time to time. Then comes the question, how does the law now require the oath to be taken? I say the answer to that question is to be found in the statute of Victoria; and, as has been said by the hon. and learned Member for Youghal, the law now requires that the oath should be taken with that form and with those ceremonies which are the most binding upon the conscience of the person who is about to be sworn. It appears to me that we must read the Abjuration Act as if the statute of Victoria were incorporated with it—as though that statute were one of its provisions; and a person would be taking the oath within the meaning of these statutes so considered, if he took it in that form and with those ceremonies which were binding on his conscience. Take this Act of Victoria. It evidently draws a distinction botween forms and ceremonies. Forms and ceremonies could not mean the same thing, or the same words would be repeated. I understand the ceremony to be the kissing of the book, and the particular book used, and I understand the form to be the form of words in which the adjuration is made —whether that form be simply "So help me God," or "On the true faith of a Christian, so help me God." And I contend that the statute of Victoria entitles us to omit the words "on the true faith of a Christian" in the case of a person swearing upon whose conscience those words have no effect, as much as it entitles us to change the sign of faith in the particular book on which the oath is taken. I, Sir, can attach no other meaning to the words. Reading the two statutes together, the Abjuration Act and the recent Act of Victoria, and feeling bound to suppose that they are not inconsistent with each other, both being in force at the same time—putting on this state of things the only construction I can, I am bound to come to the conclusion that under the statute of Victoria we are bound not only to permit the use of the Old Testament to the Jew, but to permit him also to omit from the oaths the words "on the true faith of a

Christian." In the case of Mr. Pease, which has been frequently quoted in the course of these discussions, a course perfectly analogous to that for which I am contending was taken, as being the only one which offered a solution to the difficulty that then presented itself. It was clear that Mr. Pease was entitled by the statute to affirm instead of taking the oath; but if it had been contended that though he was entitled to affirm instead of taking the oath, that with regard to the words "on the true faith of a Christian" in the abjuration oath, there was no statute to enable the House to allow their omission; it would have amounted to this—that the Member claiming to substitute the affirmation for the oath, might affirm, provided he used words at the end of the affirmation which were tantamount to the taking of an oath. And it is precisely the same with the Jew. You allow him to take the oath in the form which is binding an his conscience as a Jew—that is, on the Old Testament, provided at the end of the oath he uses words signifying that he is a Christian. The House in the case of Mr. Pease took the reasonable and common-sense course; it omitted the words implying an oath at the end of the affirmation. But there was no express law to entitle Mr. Pease to the privilege; there was no Act of Parliament passed for the purpose; and, though the course then taken might have been in accordance with the Common Law, there was no statute law to say, in so many words, that the words "on the true faith of a Christian" should be omitted; but you acted upon the principle of common sense, and taking into consideration the declaration of the law in former times, and the statutes which had passed since, you allowed the words to be omitted. I cannot now remember the exact words of a late right hon. Member of this House, who was a great authority on such questions, in reference to the case of Mr. Pease; but the substance of what Mr. Wynn said on that occasion was, "drily and technically we are not bound to grant this privilege to Mr. Pease, but it is not clear that we ought to refuse it; therefore, taking a liberal and a generous view of the law, when we have the power of putting our own construction upon it, and passing our own judgment and decision, I think we ought to give the benefit to Mr. Pease." So I say in this case, let us take a liberal and generous view of the law, and give the benefit to the hon. Member for Greenwich. Unfortunately, I am afraid, there are difficulties that will now arise from our being about (as I am sorry to say I expect) to take an illiberal view of the law. I am afraid that some hon. Members present are about to allow their own personal feelings against allowing Jews to sit in Parliament to influence their judgments in the decision of a judicial question. But that is not the course those who entertain those feelings should adopt. If they are determined that Jews shall not sit in Parliament (and this oath goes to no such extent), let them bring in a Bill declaring that Jews shall not be eligible to sit in this House. That would be the obvious and the legitimate course; but if the hon. Member for Greenwich is entitled to a seat in this House, do not let us allow our own personal feelings, either on the one side or the other, to interfere to prevent his having the benefit of those privileges which the law gives him. I will take the liberty of reading to the House the opinion of a great authority, Lord Denman, on this question, of excluding men from office by means of oaths, when the intention in imposing such oaths was never entertained by the Legislature to exclude them. Lord Denman, when Common Serjeant of the city of London, on the question of admitting Jews to corporate offices, said, in speaking of the oath—

> "The return then states, that by the custom all persons of a certain description are admissible. A second custom is incorporated with the first, that all admitted shall take the freeman's oath. A third custom is superadded, that that oath shall be administered on the New Testament. The two first customs are clearly unobjectionable; the effect of them is, that all persons of the given description shall be admissible, that is, without exclusion by reason of their religious faith. But I cannot see how the particular mode of swearing can be an essential part of such a custom. The only object of an oath is to bind the conscience of him who takes it, and in any other form it is both nugatory and blasphemous. If, on the other hand, the mode of swearing is considered as a test for detecting and excluding a particular religious class, it would be inconsistent with the custom first set out, which makes all admissible; and, in contravention of one of the first principles of English law, would effect indirectly what cannot be done directly."

It appears to me that that opinion conveys, in beautiful and forcible language, the real meaning of the question now before us. If you mean, by excluding Mr. Salomons under this Motion, to give a deliberate opinion that the law is against him, I think we run the risk of doing him a great injustice; while, on the other hand, seeing there is considerable doubt in the case, if we do not exclude him, but allow him to continue to sit here, you run no risk of any kind. You will have made no authoritative declaration on the one side or the other that can possibly bring the House into collision with the courts of law; and the Judges of the land will have it in their power on the fitting occasion, when an action is tried, to decide whether the hon. Member for Greenwich has taken the oaths within the meaning of the statute or not. I confess I have great difficulty in opposing the Motion of the noble Lord; for, in doing so, I feel I am not only opposing my opinion against his, but may appear to be unwilling to pay due respect to the authority of the right hon. Gentleman in the chair. That, however, is not the sense in which I shall give my vote against the noble Lord's Motion; but merely in this sense, that I do not think the law sufficiently clear upon the point to justify me in pronouncing a deliberate opinion that the hon. Member for Greenwich is not entitled to take his seat in this House; and being called upon to pronounce an opinion one way or the other, I feel I could not reconcile it to my conscience to abstain from giving my vote against the noble Lord's proposition.

The SOLICITOR GENERAL trusted the House would excuse him while he stated, in a few brief sentences, the grounds of the vote he was about to give. He felt he was entitled to explain those grounds, not only on his own account, but also on account of some observations which had fallen from the hon. and learned Member for Youghal. With reference to a similar question which arose in the case of Baron Rothschild, the hon. and learned Member had spoken of the want of courage in another hon. Member. [Mr. ANSTEY: On the part of others.] He was glad the hon. and learned Member said, "on the part of others," for he (the Solicitor General) took on himself the whole responsibility of the course which Baron Rothschild adopted in not taking his seat in that House; and the reasons for which he had given that advice, were these. It appeared to him (the Solicitor General) to be absolutely necessary that the House should come to a conclusion one way or another, whether the oath of abjuration had been taken or not. The House did come to a decision on that question, and he did not think, with the hon. Member who had last spoken, that it was desirable to evade that decision, and so leave it uncertain whether an hon. Member of that House was or was not contravening a statute. He (the Solicitor General) argued the question which was then before the House in the case of Baron Rothschild in the best way he was able, not as a partisan, not as an advocate, and not, he hoped, with an undue degree of political bias. He argued it on what appeared to him to be the law of the case, and he was far from saying the law on the subject was clear. He was supported in the view he then took by the opinion of the late Mr. Wynn, a great authority in that House, and he had not changed his opinion on this subject. The question having been argued befere the House, they came to a decision by, he believed, a majority of seventy-four—

> "That the Baron Lionel Nathan de Rothschild is not entitled to vote in this House, or to sit in this House, during any debate, until he shall take the oath of abjuration in the form appointed by law."—[3 *Hansard*, cxiii. 770.]

At that moment Baron Rothschild had done everything that Mr. Salomons had done. It was the judgment of the House that Baron Rothschild had not taken the oath in the form required by law, and that being a judicial decision, the Speaker had no alternative whatever, as it appeared to him (the Solicitor General), after that decision, and after exactly the same had been gone through, which the House declared to be not consonant with the law, but to see that the law should be enforced. If the oath of abjuration was not taken, it was perfectly clear that no Member had a right to sit and vote in that House; and therefore, when once the Speaker had come to the conclusion that the oath had not been taken, it was perfectly clear that the Member refusing to take it must not sit and vote; and that the Speaker had no other alternative but to direct him to withdraw. Now, the only Motion before the House was, that the Speaker should order the hon. Member for Greenwich to withdraw. Now on that Motion, he (the Solicitor General) was compelled, with however great reluctance, to vote in the affirmative. So long as the decision of the House in the case of Baron Rothschild stood, the oaths had not been been taken by the hon. Member for Greenwich. When that decision was given, he (the Solicitor General) did recommend Baron Rothschild not to take his seat, because it appeared to him that the only point to be determined was, whether the oath had been taken or not; and when the House came to a different conclusion, he did not think it proper or decorous to recommend Baron Rothschild to take his seat. Before he had the honour of being connected with the Government, it was no part of his intention to ask the House to rescind that Resolution in the present Session, so recently after such a decision as that had been arrived at. If that decision was, as he conceived it was, at this moment a binding one, there was only one simple corollary which flowed from it—the House could not permit a Member who had not taken the oaths to remain and keep his seat in that House. The House had an imperative duty imposed upon it. There was not only the clause in the Act of Parliament imposing penalties which the hon. Member had chosen to risk; but there was the chief clause which in mandatory terms directed that no Member should sit or vote until the oaths had been taken. The House had got a decision on its Votes, that the oaths had not been taken, and they had got the mandatory clause that no person should sit or vote until those oaths had been taken; and until that decision was reversed, and that clause repealed, he conceived the House had no other course open to it than to affirm the Motion before it.

MR. CLAY could not help thinking that this question was virtually settled. They had a Jew sitting among them, one of the most amiable and intelligent of an intelligent and well-conducted class. What was the course which the House had pursued? A majority of that House had endeavoured to procure the admission of Jews to sit in Parliament—not in the right way however, or they never would have consulted any other body. They should have asserted their right to alter, not the substance of the oath, but the mode of abjuration, to suit the case of the Jews, as they had done to suit that of the Quaker or the Moravian. They had not taken that course—they consulted another will, and they had been beaten; and if the Jew were sued for penalties, they would be beaten by the courts of law. In the meantime the Jew would walk into that House, hardly knowing whether he did so in despite of that House, or in accordance with its wishes. They would be beaten on all sides. They would end, indeed, in having their own way, but not in having their own way of having it. He could not believe that was a position in which the dignity of that House would be supported. He believed it would be a better course, even at the eleventh hour, to declare that they had the power and the will to admit the hon. Member for Greenwich to those rights which his constituents had conferred on him, and to which his courage entitled him.

MR. C. P. VILLIERS thought this was a question of too much importance to be disposed of with anything approaching to levity. He therefore felt grateful to those Gentlemen who had risen to discuss it as a question affecting not only the privileges of that House, but the rights and privileges also of the constituencies. He certainly thought this question was still in a most unsatisfactory state, whether considered in a legal or constitutional point of view; but he conceived there was some mistake as to the decision which Mr. Speaker had given upon the matter, while the readiness which the House had shown to dismiss the question, arose very much from the natural disposition which they had to support the right hon. Gentleman in the chair. In directing the hon. Member for Greenwich to withdraw, he did not understand the Speaker to give any interpretation of the law: he had simply done that which it was his duty to do—viz., to state to the House the nature of the Resolution passed last Session, in the case of Baron Rothschild; and having referred to that Resolution, to desire that the hon. Member for Greenwich should retire from the House. But still that left the case wholly undecided; for, though a Resolution of a particular description was passed last Session relative to the case of another hon. Gentleman, they all knew that a Resolution passed in one Session of Parliament might be rescinded the next. The question, therefore, still remained, what was the law? and was the hon. Member for Greenwich entitled or not to take his seat, having taken the oath according to the form binding upon his conscience? He should certainly like to hear from some of his learned Friends what their opinion was of the words of the 1st and 2nd Victoria, which prescribed oaths to be taken according to the forms and ceremonies binding on the conscience. And he should like to know from them whether the hon. Member for Greenwich, having taken so much of the oath, having taken the whole that was essential in the oath, came under the description of the person referred to in the 1st and 2nd Victoria; and whether, if he violated that oath, he was one that would be regarded as having sworn falsely, and become liable to the penalties. Supposing, for example, there now existed a royal Stuart dynasty, and the hon. Member for Greenwich were to act publicly in their favour, would he, having taken this oath of abjuration, be liable to an indictment for perjury and to the consequent penalties? He had no hesitation in saying that, if the House of Commons acted upon a principle adverse to the claims of the hon. Member for Greenwich, the country at large would be entitled to charge them with entertaining feelings that were but too common—hating those whom we had persecuted, and indulging a vulgar prejudice against the Hebrew race; and he said that they would feel towards them feelings of scorn and contempt, which they would but too justly deserve. He repeated, that, if the people thought the hon. Member for Greenwich had taken the oath essentially, and was liable to the pains and penalties imposed by the Act for violating that oath, and that because by accident there were words introduced into the oath that were merely formally and not essentially there, he was excluded from taking his seat, then they would unquestionably come to the conclusion that they were acting in that House upon a base sentiment in so excluding him from his place in Parliament.

LORD JOHN RUSSELL: I don't think that my hon. Friend who has just spoken has really attended to the question now before the House. The state of the matter is this: the hon. Member for Greenwich having appeared at the table, and taken so much of the abjuration oath as had been taken by Baron Lionel de Rothschild, a question was asked of me in this House whether I thought it would be right to prosecute him, if he were to sit here, for the penalties incurred under the Act of Parliament. I said, I thought the Government would not think it their duty so to prosecute, and I was then about to move a Resolution in the very same words as that which was moved in the case of Baron Rothschild. If I had moved that Resolution, the whole question would then have been before the House, either to confirm and repeat the decision we arrived at last year, or to reverse that decision—that is, if we gave an erroneous judgment last year, to come now to an entirely different resolution. But that was not the course which was pursued. Before I could make that Motion, an hon. Gentleman declared that the hon. Member for Greenwich would come into the House, and sit and vote in this House; and the hon. Gentleman having come into the House accordingly, you, Sir, I think, had no other duty to perform than that which you did; which was, referring to what had been done in the last year, and stating that the hon. Member for Greenwich had not taken the oath of abjuration in the manner in which the House thinks it ought always to be taken, to ask the hon. Member to withdraw. He did not withdraw, and therefore I was compelled to ask this House to agree to the Resolution which is now before it. My hon. Friend who last spoke said this was a question which should not be discussed lightly, and that it should be made matter of very grave deliberation. Now if I had proposed my Motion as I originally intended, the House would have undoubtedly entered into that full discussion which my hon. Friend so much desires. But the question now before the House is simply this, whether or not the House having adopted a Resolution last year to this effect, and the hon. Gentleman the Member for Greenwich not having withdrawn, the House will confirm that Resolution. I cannot think that is a question on which the House ought to doubt. The House having come to the resolution that Baron Lionel de Rothschild could not sit, having refused to take the oath of abjuration in the form prescribed by law, that another hon. Member should come and sit in this House without question; and that he should be allowed to sit and vote in this House, although there applied to him the very grounds on which you had determined Baron Rothschild should not sit, does seem seem to me a very monstrous conclusion. It appears to me that even those who maintain that the decision we came to last year was erroneous and contrary to law, must at all events be ready to say, "Let the House respect that Resolution so long as it stands on the Journals of the House, and do not let it be treated as if it were of no value, but, after the hon. Member has withdrawn, let us come to a resolution reversing that decision. But if that is the case, my hon. Friend the Member for Wolverhampton is not right in saying that the question before the House is being lightly discussed. The right hon. Gentleman the Member for Manchester has hardly stated the proper effect of the Resolution to which the House came last Session. He says the House came to a Resolution that no Member should sit in this House without taking the oath of abjuration according to law. The Resolution was, after hearing Baron Rothschild at the table, and after having seen the form that he went through there, and the oath that he took, that Baron Rothschild was not entitled to vote in this House, or sit in this House during any debate, until he shall take the oath of abjuration in the form appointed by law. What is more clear than that the hon. Member for Greenwich has not taken the oath of abjuration in the form appointed by law? Sir, I think there is no other course for the House now to take than to decide that the hon. Member for Greenwich should withdraw from this House. What we shall proceed to do after that decision is another question. The hon. Member has no doubt placed himself in a very different position from that in which Baron Rothschild placed himself, for he has already sat and voted in this House; and I think it is a grave question for this House to consider what difference that will make, if any difference, in the proceedings which they took last year in the case of Baron Rothschild. But, at all events, I cannot agree with what was stated by the hon. Member for Hull (Mr. J. Clay), and the hon. Member for Wolverhampton (Mr. C. P. Villiers), for they say that all those who are for the admission of Jews into Parliament are therefore bound, whatever may be the words of the law, to declare by a Vote of this House that they are entitled to sit in the House of Commons. I cannot come to that conclusion. I should indeed be very glad if I could come to the opinion that the terms of the Act of Parliament entitled us to come to a decision that every member of the Jewish persuasion was entitled to sit and vote in this House. I think that the present state of the law is most unsatisfactory. When the question is with respect to Quakers, then the Acts of Parliament and the Journals of this House make it plain that the words "on the true faith of a Christian," are considered unnecessary, and are to be treated as mere forms. It has been stated over and over again, that with respect to Quakers, the forms may be changed—that the words may be omitted. Therefore, all Acts of Parliament and proceedings of this House relative to Quakers, are, as I believe, they ought to be, in common sense and common justice, estimated as mere forms. But immediately you come to the question of a Jew, the very same words, "on the true faith of a Christian," are no longer considered as matter of form, but as part of the substance of the oath. The hon. Gentleman who spoke last asked a question with regard to the Act of Parliament. There was a great difference with regard to the Act of Parliament relating to the Jews and that relating to the Quakers. As to the Act affecting the Quakers, it declared that the person who is required to take the oath, may demand to take it in such and such a form, that it may be administered in such and such a form, and that those who take it in that form are liable to the ordinary penalties, the oath having been taken in the form of affirmation. I do not know that I can state the words correctly, but I am quite sure that I am correct as to the sense. But when we come to the case of the Jews, it does not say that the oath may be taken in a different form; it only says that they shall be liable to perjury if they take it in such a form. There are here no words varying the form of administering the oath as in the case of the Quaker. There is another remarkable difference. There are laws enacted with regard to the Jews in two instances—two particular and special instances—in which they say that these words, "on the true faith of a Christian," may be omitted, and that the one oath may be omitted, and that the oath may be administered on the Old Testament. I infer from these Acts that, as Parliament has made these special exceptions, they meant the exceptions to govern these particular cases only, and that the general case of the Jews is left outside these exceptions; and that therefore neither the House nor any person in it has a right to administer the oaths in such a form as this, except in the courts of common law, or in the cases referred to by the statutes to which I have alluded. I think that that makes a great difference—a difference which it is necessary for us, if we would set an example of obedience to the law, to observe. I think that it is an unjust distinction, a most unsatisfactory state of the law, which states that in the case of a Quaker you should regard a certain part of the oath as of the form, and not of the substance of the oath; that, as such, you can dispense with it; that, in his case, he may leave out the words "on the true faith of a Christian," and that, notwithstanding, his affirmation is to be regarded as complete and satisfactory; and that on the other hand, when you come to the case of a Jew, a contrary rule is to prevail, and these words are not to be considered as form, but as of the substance and essence of the oath. After what I have said, I think hon. Gentlemen will see that it is with reluctance—that it is with great pain—I assent to an interpretation of the oath which excludes a Jewish Member from this House. But I cannot agree with my hon. Friend the Member for Wolverhampton, that because you carefully and scrupulously look to the words of the Act of Parliament, and are anxious to obey them, that therefore you will be looked upon with scorn, contempt, and indignation, by the people of England. [Mr. P. VILLIERS: I did not say that.] I certainly understood my hon. Friend to say that. My belief is that the people of this country, more than any other people on the face of the globe, are obedient to the law, and carefully scrupulous not to exceed the limits of the law; that they are ever ready to exert their rights if they believed them to be infringed; but, at the same time, that they are willing to render to others everything that the law requires them to do. I believe that they are obedient to the law, and that they will be glad to see the House of Commons, whatever may be our views of policy—whatever may be our views of expediency——whatever may be our views even of natural justice—yet ready to set the first example of a full and exact obedience to the law; and that when the law prescribes a certain course of conduct, no consideration will induce it to depart from so great and salutary a principle.

MR. BETHELL was sorry that he could not agree with the noble Lord who had just sat down; but if he should be so happy as to induce the noble Lord to agree with him in the views he took of this matter, it would relieve him of much of the embarrassment and pain which he felt in taking his present course. Having watched all that had passed in relation to this question, without having hitherto taken any part in it, and having for himself deliberately examined the question, he would venture now with the greatest humility and deference to those who preceded him, to express his opinion as a lawyer that both from the principles of common law and the language of statute law, and even according to the Resolution of this House, the oath in question had been well and legally taken by the hon. Member for Greenwich; that they were bound to admit him to a seat in the House; and that, legally speaking, they had no authority to order him to withdraw. He begged, in the first place, to state that no one would venture to deny that the hon. Member for Greenwich had a right to come to the House, and demand that the oaths should be administered to him. The next proposition he would affirm was, that they were bound to administer the oaths to him according to law. He would presently point out the ductile character of that oath; that the manner of administering it necessarily altered to suit the changing circumstances of events. But what he called upon the House to do now was, to grant him this first postulate, that they were bound to administer the oaths. The principle of law which controlled the enacting of all oaths—however they might be expressed—was this universal principle, that each man who was under an obligation to take an oath, or who had a right to require that an oath should be administered to him, had this title also to have this oath administered to him in a manner that would be binding upon his conscience. If there was any formula or particular set of words in the oath, that formula must yield to the universally controlling principle, that the oath must be administered to the party in the form that was binding upon his conscience. He did not wish the House now to grant him the opinion that these words, " on the true faith of a Christian," were only the sanction of the oath. His own opinion was that they were; but he was willing to concede to the other side of the House that by Act of Parliament they were made a substantive part of the oath, and not the mere sanction of the oath. But suppose they were part of the oath; if they held the universally controlling principle that every man had a right to have the oath administered to him in the form most binding on his conscience, while, at the same time, they held that they were precluded from making any alteration in the form of the oath, they would be involved in this absurd anomaly and contradiction, which law rejected and repudiated —that two contradictory things were at one and the same time enjoined. He would therefore say, with all humility and deference, that there was no lawyer who was at all versed in the principles of common law, or who was at all acquainted with the manner in which statute law ought to be construed, who would not agree that the formula of the oath in all cases yielded to the principle he had stated; that they were bound to administer the oath according to law; and that the party taking the oath had a right either to retain or to reject the formula, according as it was binding on his conscience. He would now advance a step further, and he would beg with great submission to point to a circumstance in the statute law, to which he thought sufficient attention had not yet been directed. But he would first of all beg to remind the House, that the oath of abjuration had from time to time received an alteration in its formula, according to the alteration of circumstances. There was a series of Acts of Parliament altering this oath according as an alteration took place in the circumstances of the Pretender; but through all these Acts of Parliament there was no attempt to alter the substance of the oath as it was originally framed. Now let them observe the statute of the 10th George I. cap. 4. It recited the 9th George I. cap. 24., which again referred to the prior statute of the 1st George I., which first rendered it incumbent on Members of Parliament to take the oath in question. In the 10th of George I., there was this express proviso:—

> "Be it declared and enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and the Commons in Parliament assembled, and by the authority of the same, That in all cases in which an oath may lawfully be and shall have been administered to any person, either as a juryman or a witness, or a deponent in any proceeding, civil or criminal, in any court of law or equity in the United Kingdom, or on appointment to any office or employment, or on any occasion whatever, such person is bound by the oath administered, provided the same shall have been administered in such form and with such ceremonies as such person may declare to be binding; and every such person in case of wilful false swearing may be convicted of the crime of perjury in the same manner as if the oath had been administered in the form and with the ceremonies most commonly adopted."

Now the 1st George I., on which this Act was founded, and to which it referred, was the Act which imposed the oath upon Members of Parliament; and, therefore, what was palpable on the face of this statute was, that here Parliament had come to the aid of the Jew, and had given to him as well as to the Quaker an opportunity of qualifying himself for the enjoyment of the rights of citizenship, and for participation in all the civil rights which the country afforded to every portion of His Majesty's subjects. Now, he would venture to say that according to the principles of the statute, as well as according to the principles of the common law, they had here a direct Parliamentary enactment, the object of which was to give the Jew all the privileges of citizenship, and which directly stated that the Jew should be held to have qualified himself for the possession of them, if he took the oath without the words in question. It might be said that this Act referred to the oath prescribed by the 1st Geo. I., and that it did not apply to the present oath, which was prescribed by the 6th Geo. III. But he would beg the attention of the House to the language of the 6th Geo. III., which did not affect to impose a new oath, which only altered the terms of an oath already existing, which treated that oath as a thing well known in law—substituting, indeed, new for old terms; but accompanying that substitution with express directions enacting—

> "And that all and every person and persons who are enjoined and required to administer, take, or subscribe the oath of abjuration and the assurance in the said above-mentioned Act contained, shall respectively administer, take, and subscribe the oath of abjuration, and subscribe the assurance according to the form herein set down and prescribed in such courts within such time limited, in such manner and with due observance of the same requisites, and with benefit of the same savings, provisoes, and indemnities as by the said Acts above-mentioned, or by any other Acts, or any part of them now subsisting, are directed and enacted."

It appeared to him that this was perfectly conclusive so far as the language of the statute was concerned; and that the 10th Geo. I. threw round the Jew peculiar privileges with reference to this oath of abjuration, which the 6th Geo. III., in altering the form of oath, had taken care to repeat. Now, he begged the House further to observe, that it appeared from the Report of their Committee that the licence which it was contended they possessed to alter and modify the form of the oath, as circumstances might arise, was far less than that which was taken from year to year, and constantly allowed in the inferior officers who were called upon to administer oaths in every petty court in the kingdom. They knew from historical events that the language of the oath was rendered inapplicable from time to time; as when, for instance, the allegiance was required to be altered from the King to the Queen; and they would find, in a part of the Commons' Report, it was stated that, in order to comply with the law, according to the alteration of circumstances, there was not an inferior officer, in the most petty court in the kingdom, who would not take upon himself the authority to make the necessary alteration in the form of the oath.

By the very Act of this House, in permitting the hon. Members to take the oath on the Old Testament, they had expressed their opinion that they had authority to alter the form—that they were bound to administer the oath in the form that was binding on the hon. Member's conscience; and yet, after making that concession, they mocked the hon. Member—they mocked the law—they violated the principle of the law by telling him that though they conceded the principle so far—though they gave him the Old Testament on which to be sworn, and by that very Act rendered it incumbent on themselves to obliterate the words, "on the true faith of a Christian," yet they refused to obliterate them. He said again they mocked the law, and they mocked common sense by insisting on such a course. He submitted, therefore, that if the House had any regard for principle—if they had any regard for statute law—if they had any regard for that universal rule which was recognised by common law, and proofs of which had been collected in the decisions of many eminent Judges—then they were bound to say that the Jew had a right to take the oaths in the form most binding on his conscience, unless there was something in the oath which excluded him. Now, he contended further that there was nothing in all this at variance with the Resolution to which the House had come last year, though, even if there were, that decision was embodied in language which might be rescinded. In that Resolution there was nothing binding them to continue in their present position, though there was much that bound them if they had any regard to their own consistency, intelligence, and common sense to go forward; and when they had once conceded the point that a man might be sworn at the table of the House on the Old Testament, they were under a moral obligation to follow that up by omitting the words "on the true faith of a Christian." He could not therefore come to the conclusion that the hon. Member for Greenwich ought to be ordered to withdraw, because he believed that by law the hon. Member was as much a Member of the House as any one now sitting in it.

Sir FREDERIC THESIGER said, it certainly required some little courage in any man to rise after the hon. and learned Member for Aylesbury, who, in express terms, had declared that those who did not agree with him in the views he had taken on this question, were not acquainted with the force either of the common or of the statute law; and as he (Sir F. Thesiger) took an entirely opposite view from that of the hon. and learned Member, he certainly fell under that description which he had applied to all those who were opposed to him; and he therefore addressed the House under all that embarrasment and diffidence necessarily arising from the position in which his hon. and learned Friend had placed him. He, however, quite agreed with his hon. and learned Friend in one position, that the House had brought itself into a position of inconsistency, by allowing two out of the three oaths which were required to be taken before a Member could take his seat in this House to be taken upon the Old Testament. He resisted that to the best of his ability, for it did appear to him that as all three oaths must necessarily be taken before a Member could sit in the House, and as it was perfectly clear that one at least out of the three could only be taken in a Christian sense, therefore, though it was perfectly clear that, in general cases, a man ought to be allowed to swear in that form which was binding on his conscience, yet that, in this particular case, the Legislature must have intended that all the three oaths should be taken in the same way. The House, however, had come to a different conclusion, and he was bound to bow to the decision to which they had come, though his hon. and learned Friend the Solicitor General said he did not acquiesce in that decision. That, then, being the position in which they were placed, let them see what it was that his hon. and learned Friend the Member for Aylesbury had argued on the present occasion, and what was the position that he had assumed. He said, in the first place—and there, of course, every one would agree with him—that any person who took the oath was entitled to take it in the form that was most binding upon his conscience. But then his hon. and learned Friend, in proceeding to consider what was the character of the words of the oath of abjuration "on the true faith of a Christian," used, he presumed designedly, the word "formula" to express his sense of their meaning; and it would be seen that he had indicated an opinion, though he had not boldly stated it, that these words were not a substantial, but only a formal part of the oath. If his hon. and learned Friend had, indeed, been able to satisfy the House that these words really formed no substantial part of the oath, then there could be no doubt that any person taking the oath in the form most binding upon his conscience would be entitled to omit them. But that was not the argument of his hon. and learned Friend. His argument was that the Legislature had shown, by its having authorised the words "on the true faith of a Christian" to be omitted in certain cases by the Jew when taking the oath of abjuration, that they were intended to be omitted on every occasion; and his hon. and learned Friend had supported this position by reference to the 10th George I., as it was contained in the report made a short time ago by a Committee of their House; and his hon. and learned Friend, with that authority which belonged to his character and station in the profession, told the House that this Act of George I., in his opinion—and that any body who held a different opinion must be utterly ignorant both of common and of statute law—applied in every case, and every circumstance, in which a Jew could be placed, and that it enabled him to take his seat in this House though he omitted these words, "on the true faith of a Christian," from the oath of abjuration. He did not know if his hon. and learned Friend had looked further than the Report; whether he had turned to the Act of Parliament itself. [Mr. BETHELL: I have.] If he had turned his attention to the Act of Parliament itself, he must say he was surprised beyond measure to hear his hon. and learned Friend assert, in the face of this House, that that Act of Parliament, in his opinion, rendered it lawful for a Jew to take the oath of abjuration, on every occasion when it was tendered to him, without using these words. His hon. and learned Friend must know, if he had read the Act, that this was a mere temporary Act for a particular occasion; that certain parties had been required to take the oath of abjuration within a limited time by the 9th of George I., and that the Act in question, the 10th of George I., was introduced for the purpose of enlarging the time during which the oath was to be taken, and that the proviso made with regard to the Jews, which was contained in the Act, was, like the Act itself, of a temporary character, for a particular occasion; and his hon. and learned Friend must either not have turned to the Act in question, or he had not seen the effect of it, or else he must have forgotten it; for, otherwise, he could never have pressed upon the House, with all the weight that belonged to his opinion, that this was an Act which enabled Jews to take seats in this House omitting the words in the oath of abjuration, "on the true faith of a Christian." He drew an inference from this Act very different from that of the hon. and learned Member for Aylesbury; he inferred that the Legislature had declared authoritatively their opinion that those words were of the substance of the oath, and not a mere formula, and that therefore an Act was necessary to omit those words before the Jew could take the oath. There was another Act which bore out this opinion, the 13th of George II. That Act provided—

> "That whenever any person professing the Jewish religion shall present himself to take the said oath of abjuration, in pursuance of this Act, the said words, 'Upon the true faith of a Christian,' shall be omitted out of the said oath, in administering the same to such person, and the taking and subscribing the said oath by such person professing the Jewish religion, without the words aforesaid, and the other oaths appointed by the said Act, in like manner as Jews were permitted to take the oath of abjuration, by an Act made in the 10th year of the reign of his late Majesty King George I., intituled, 'An Act for explaining and amending an Act of the last Session of Parliament, intituled, an Act to oblige all persons being Papists, in that part of Great Britain called Scotland, and all persons in Great Britain refusing or neglecting to take the oaths appointed for the security of his Majesty's person and Government, by several Acts herein mentioned, to register their names and real estates, and for enlarging the time for taking the said oaths, and making such registers, and for allowing further time for the enrolment of deeds or wills made by Papists, which have been omitted to be enrolled, pursuant to an Act of the third year of his Majesty's reign, and also for giving relief to Protestant lessees,' shall be deemed a sufficient taking of the said oaths, in order to entitle such person to the benefit of being naturalised by virtue of this Act."

The 10th George I., cap. 4, recites an Act of 9th George I., cap. 24, which requires the oath of abjuration to be taken as there mentioned within a given time, and then after amongst other things, giving further time, and permitting Quakers to declare the effect of it, the Act proceeds to enact as follows in respect of the Jews:—

> "And whereas the following words are contained in the latter part of the oaths of abjuration, namely, 'upon the true faith of a Christian,' be it further enacted by the authority aforesaid, That whenever any of his Majesty's subjects professing the Jewish religion shall present himself to take the same oath of abjuration in pursuance of the above recited Act, or of this present Act, the said words 'on the true faith of a Christian' shall be omitted out of the said oath, in administering the same to such person, and the taking the

said oath by such person professing the Jewish religion, without the words aforesaid, in like manner as Jews are admitted to be sworn to give evidence in courts of justice, shall be deemed to be a sufficient taking of the oath of abjuration within the meaning of this and the said recited Act."

Well then, they had a legislative decision that this was an essential or substantive part of the oath. Could they get rid of an essential part of the oath merely because it was alleged by some one that it was not binding on his conscience? If such a principle was admitted, where would they stop? The hon. Member for Greenwich objects to the words "on the true faith of a Christian." He says that they are not binding upon his conscience. Some other person may have conscientious scruples against other portions of the oath. Where then is the limit to the argument that, if any person entertains a scruple, he is to be allowed to satisfy his conscience by the omission of the words on which his scruples are founded; and what becomes of the argument of the hon. and learned Gentleman which was to demolish them? Why, it had failed entirely, and failed in a signal and remarkable way. The hon. and learned Member for Aylesbury could not have prepared himself by a reference to the Act of Parliament, so as to have enabled him to come down to the House and deliver his opinion to the House with all the weight and authority to which it was entitled. His hon. and learned Friend, like many other speakers, had lost sight of what was the question really before the House. The question was, whether Mr. Alderman Salomons be ordered to withdraw or not. Now he confessed he thought that the noble Lord had adopted a very mild form of proceeding on the present occasion. The House would be pleased to recollect what occurred on Friday last. With the entire concurrence of the House, after the hon. Member for Greenwich had refused to take the words "on the true faith of a Christian," he was directed to withdraw. It might be in the memory of the House that the hon. Gentleman having failed to withdraw entirely, he (Sir F. Thesiger) had called their attention to the fact. Again, with the concurrence of the House, he was ordered to withdraw. Now, he thought after this course had been pursued, with the perfect sanction of the House, that the presence of the hon. Member for Greenwich on the present occasion within the walls and precincts of the House, was contumacious; that it was a disobedience to the orders of the House, and a contempt; and he should have been quite prepared to have concurred in a vote (which he thought would have been the proper one to have been proposed) that the hon. Member be committed to the custody of the Serjeant-at-Arms for that disobedience and contempt. The noble Lord had pursued a milder course: could any one doubt that he was not perfectly justified? Certainly not. But let them consider what it was they were called upon to decide in voting upon this proposition of the noble Lord. There was, as the noble Lord had stated, a clear and distinct Resolution of the House upon the point at issue, which had been passed in the course of last Session upon a state of circumstances which were precisely similar. He could not help thinking that the hon. Member for Greenwich was perfectly familiar with the proceedings of their House upon that occasion, because he observed that the very expressions which were used by Baron Rothschild, when he presented himself at their table, were the very words used by the hon. Alderman. Well, then, they had a Resolution of the House applicable to precisely similar circumstances. As long as that remained an unrescinded Resolution—as long as it remained declared that Baron Rothschild had no right to sit in the House—could they endure that the hon. Member for Greenwich, in defiance of that Resolution, should brave their authority, and should not be required and compelled to withdraw? He was not prepared for the course which the hon. Member had thought fit to adopt. He expected that the noble Lord would have moved a Resolution in terms similar to those carried in the course of last Session. On Friday last, he (Sir F. Thesiger) had intimated his intention to pursue the same course he had adopted last year, and to move a new writ for Greenwich. But after discussing the question with some friends, upon whose opinion he entirely relied, although he entertained still most strongly the opinion that they made a serious mistake in the course which they pursued with regard to the Baron Rothschild, yet still, in deference to the opinions expressed by his friends, and because there might be considerable evil in departing from any course which had been adopted by the House, he had made up his mind to follow the noble Lord, and vote in favour of any Resolution which he might propose. Under these circumstances, he perfectly concurred in the

Motion submitted by the noble Lord, and he thought it impossible that the House could differ with him in the views which he had taken.

MR. BETHELL begged to assure his learned Friend that he had taken pains to refer to the Acts of Parliament to which he referred. The 9th of George I. was not found in the ordinary Statute-book, and he had been at some trouble to obtain it. The 9th of George I. designated the classes of persons to be affected by the Act; and the 10th of George I. showed in what manner the oath should be administered.

MR. AGLIONBY would not enter into a consideration of the legal points at issue. It appeared to him that the able and lucid argument of the hon. and learned Member for Aylesbury was unanswered, and that it was unanswerable. He wished to guard any vote which he was about to give from being construed into a want of respect for the right hon. Gentleman who presided over their discussions, for he looked upon him as the most able and impartial expounder of the forms of the House who had ever occupied the chair. The hon. Member for Greenwich meant no disrespect to the Speaker in this apparent defiance of his authority. He (Mr. Aglionby) felt sure that when the Speaker ordered Mr. Salomons to withdraw, he did not mean to express an opinion upon the question of privilege, but that he was merely expressing the general opinion of the House. The noble Lord treated the decision of last year as if it were a judicial decision. The nation would laugh to scorn its receiving such an interpretation. Every hon. Member who voted on the Resolution last year, came down to the House with his mind perfectly made up on which side he would vote, quite independent of any arguments they might hear. Did they suppose that any arguments, no matter how forcible, could alter one vote? He was very sceptical upon the point. Why, it was a mockery to call it judicial. It was only a decision which gave expression to their own private feelings. He did not claim any merit as an impartial person—in fact he was not impartial—but he would vote nevertheless. He believed that the Member for Greenwich was as good a Member as any of them, and if time was taken to consider the masterly speech of the Member for Aylesbury, he believed that no lawyer in the kingdom could doubt the fact. Looking upon the concluding portion of the oath to form no part whatever of its substance, he should give his vote in favour of the hon Member for Greenwich.

SIR ROBERT H. INGLIS said, the hon. Member for Cockermouth had avowed an unhesitating deference for the judgment of Mr. Speaker; and he (Sir R. H. Inglis) rose not so much to defend the decision of that right hon. Gentleman, as to support the decision of the House itself, of which their Speaker was the exponent. The case of the last Session was precisely similar to the case now before the House, with the name only changed. The hon. Member for Greenwich came to the table and performed exactly the same part as his predecessor had done twelve months before. The hon. and learned Member for Aylesbury had proved too much in the first part of his speech; in the end, however, he had proved nothing. He (Sir R. H. Inglis) appealed, not to lawyers, but to men of common sense, whether such was not the case, when the hon. and learned Member stated, as an argument in this case, that it was within the competency of the lowest officer of the lowest court of justice in the kingdom to change the form of the oath in question, by the substitution of the name of Victoria for that of William IV.? The alteration, however, which he now supported was much more than the change of the name of the Sovereign. If such a proposition were admitted, it could not be denied that a Resolution of that House was sufficient to override an Act of Parliament. But if that were the case, why was it that four Bills had been passed in that House, and as many rejected by the other House within the last twenty years, with the same object in view as that under discussion, if the power was in their own hands? Could it be reserved for the hon. and learned Member to discover, on the 21st of July, 1851, this secret which had lain so long concealed, not only from the lawyers of his (Sir R. H. Inglis's) side of the House, but also from the piercing vision of the hon. and learned Solicitor General, and from that of the noble Lord the First Minister of the Crown, all whose feelings and principles were engaged in support of the cause which the hon. Member for Greenwich unhappily represented? The course suggested by the hon. and learned Member for Abingdon was that most consistent with the dignity of the House. The authority of the House had been defied; the representative of that authority had been disobeyed; and it was the duty of the House to sustain him by an immense majority in enforcing the decision of last year. Did any one contend that the slightest difference existed between the case of the hon. Member for Greenwich, and the case of Baron de Rothschild? Both were elected by large constituencies—both were prepared to take similar oaths. The hon. Member for Greenwich took two of the oaths presented, but he did not take the third, as required by law; but he had, notwithstanding, ventured to take his seat among them. If it were in the discretion of the hon. Member to omit the seven words in question, it would be also in the discretion of other persons to omit any words they chose, and so to cut and carve the oath as they might see fit. It was the *animus imponentis* that gave to the oath its value; the oath was meant to be taken in its plain and literal sense; it was open to those who objected to any part of it to refuse it altogether, but not to alter it to suit their individual convenience. The hon. Gentleman had, however, omitted the words "on the true faith of a Christian," thereby daring and defying the House. The simple course to have taken was to have done what it was whispered would be done—namely, to move to rescind the Resolution of the last Session; and however stultified the House might have been by a vote to that effect, the ground would be clear for the hon. Member for Greenwich. He (Sir R. H. Inglis) concurred in the proposition that the hon. Member should withdraw. What was to be done afterwards he should consider; but he certainly did hope that the suggestion of his hon. and learned Friend the Member for Abingdon would be adopted.

Mr. BRIGHT thought the noble Lord at the head of the Government was not aware of the precise question now before the House. The noble Lord spoke as though the only question before the House was whether the hon. Member for Greenwich should withdraw or remain there. If he was not under a mistake, there was before the House a distinct Amendment, equal to the rescinding of the Resolution of last year. The question stood exactly as if the hon. Member for Middlesex moved the Resolution which he intimated it was his intention to do; and if that were so, he thought the Solicitor General was not quite consistent in the course which he adopted. The Motion now before the House, coming after the Motion of last year, which went to affirm that the oath was not taken within the meaning of the Act, was directly contrary to it, and affirmed that the oath had been duly taken, and that the sitting Member was lawfully entitled to take a part in the discussions of the House. The hon. and learned Gentleman voted last year in favour of Baron Rothschild; and how he could reconcile a vote which would be now adverse, he could not possibly see. There were two modes in which the House might look at the question—one as arguing it only as a question of law, the other as a question of precedent. He would not go into the question of law, because he thought that his right hon. Colleague (Mr. M. Gibson) had shown that, as far as law was concerned, they were completely in the dark. The most distinguished lawyers appeared to be very much at sea, and if it had not been for the lucid and masterly speech of the hon. Member for Aylesbury, they might be excused for taking their opinions into consideration at all. But with regard to the question of precedents, the case was wholly different; and it was upon this point that he wished to offer to them a few observations. The Resolution of last year he understood to be taken as a precedent for this Session, and the House having come to the resolution that Baron Rothschild was not to be admitted, they wished to enforce the same regulation against the present Member for Greenwich. If, however, they were to be guided by precedents of this nature, why should they not go further back, and follow a precedent which enlarged the powers and privileges of Parliament, while it at the same time enlarged the freedom and rights of the people? It was that of a gentleman, a friend of his, a member of the same sect to which he belonged; but he did not think that the House had fairly looked at the point involved in that case. He was satisfied beyond all question that the House, in the instance to which he referred, had taken upon itself to do very much more than it was now asked to do. In the case of Mr. Pease, the House not only altered the form and substance of the oath, but left out a most essential portion of it—in point of fact, dispensed with the three oaths, and compressed them into one single declaration. If the House did that in 1832, had it not equally the power to do it in the case of the hon. Member for Greenwich? He held in his hand the declaration which he took at the bar of the

House. He wished to point out an essential difference in the declaration which he had taken, and the oath taken by Members when they presented themselves at the table. The declaration which he had taken was nearly identical with that which Mr. Pease had taken before the Act passed which enabled him to take a seat in that House. The general oath began, "And I do swear that I will bear faith and true allegiance to Her Majesty Queen Victoria, and Her will defend to the utmost of my power against all traitorous conspiracies, and attempts whatsoever, which shall be made against Her person, crown, or dignity;" but the declaration framed for Mr. Pease, and all other persons of his sect who might become Members of the House, merely set forth that the person taking it would be faithful to the Crown against all traitorous conspiracies, omitting all mention of defending Her Majesty, because the term "defending" implied "by force of arms," and, therefore, the term was omitted in deference to the peculiar views entertained by the Society of Friends on the subject of peace. They had all sworn to defend the Crown; but he (Mr. Bright) had not declared that he would defend the Crown; The Committee which was appointed on the subject in 1832 did not recommend that Mr. Pease should be compelled to declare that he would defend the Crown; and the House of Lords assented to the alteration in the oath, and the Act was passed into a law. Now he put it to the House whether they did not come with a stronger case than Mr. Pease came with? In the case of Mr. Pease, the House left out the words "on the true faith of a Christian;" he was a Christian, and there was no need for the omission. He did not like to use the words "on the true faith of a Christian," because he understood the expression to be in the nature of an oath—and to oaths of any kind the Society of Friends entertained a conscientious and insurmountable objection—and the House dropped them. But it did more—it did not require him to promise to defend the Crown; and it, moreover, absolved him from taking several oaths, and permitted him to make one affirmation. Why, then, if Members of the Society of Friends, being Christians, were permitted to omit these particular words from their Parliamentary declaration, was Mr. Salomons, not being a Christian, to be compelled to repeat these words, he declaring them to be in no way binding upon his conscience, and offering, at the same time, to take the oath which was binding on his conscience? In the case of Baron Rothschild, they permitted him to take an oath upon the Old Testament, because it was most binding on his conscience; but, having given him half a right, they refused him the other, and they insisted on giving a most unfair and most unjust meaning to those words, which it was not possible could have been attributed to them in the case of Mr. Pease, which meaning operated as a bar to his taking a seat in the House. They were in a difficulty, because they did wrong last year. The noble Lord at the head of the Government was very rash, and his rashness last year had raised one more barrier against the cause of the Jews. But let the House bear in mind this—the Attorney General had said those words were discreditable to their legislation. The Solicitor General argued last year that the oath was taken according to law; superadded to that, they had the testimony of the hon. and learned Member for Aylesbury, whose opinion would have the greatest weight attached to it throughout the kingdom, that the Member for Greenwich was thoroughly entitled to take his seat. He wished to know whether this was not an amount of evidence on their side sufficient to warrant them in laying aside the strict interpretation of the law, and acting upon the precedent set in the case of Mr. Pease, in which they omitted these very words, "on the true faith of a Christian?" They did not always act up to the strict letter of the law either in the public or private transactions of life, Let not the noble Lord think that the people would hold him blameless for the difficulties in which he had placed the question. The constituency which he represented had re-elected two or three times a colleague for him of the Jewish persuasion. Another constituency, after all the discussions which had taken place in Parliament on this subject, had returned a Member of the Jewish persuasion; and he would ask the noble Lord, were the opinions of these constituencies to go for nothing? He could only say, that if a gentleman of the Jewish persuasion presented himself to a constituency before this question was settled, he would have a very good chance of being returned. The noble Lord, it appeared, would rather have the elections of these constituencies made null and void, and leave the question to remain as it was, than fairly grapple with it as a question which had been passed in that House year after year, and as pertinaciously refused by the other House. Two branches of the Legislature were in favour of the admission of the Jews. ["No, no!"] Yes, that House had over and over again declared itself in favour of it; and the Queen, through Her Ministers, was also in favour of it. [*Cries of* "Order!"]

Mr. SPEAKER said, the hon. Gentleman might not be aware that it was very irregular to use the name of the Queen in debate.

Mr. BRIGHT: He bowed to the decision of the Chair; but he had only been following a high authority in another place, where it had been used as an argument that the other House and the Crown being both in favour of a measure, they ought not to refuse to pass it. The frequent rejection of this measure by the other House was a strong reason why they should examine narrowly whether it was not in the power of that House to do what was necessary by itself, and to grant to the hon. Gentleman, having taken the oaths as he had, the right of sitting in that House. With regard to the oaths generally, he just wished to say this, that there was nothing more useless or more deserving the condemnation of sensible men, than the oaths taken at that table. They were the result of prejudice, and of long-continued habit; but hon. Members should no longer allow themselves, like children, to be put through the form of taking those oaths. They held no man to loyalty—they held no one to religion. The people of this country were loyal enough without those oaths. No men were sent there who needed to be bound in their allegiance to the Sovereign, or their obedience to the law, by any oaths whatever, especially by such oaths as those passed two or three centuries ago. He should like some clean sweep to be made of these oaths, and that they should regard each other, as he believed they were, as patriotic citizens of their country coming there to do that which was their duty to their country, and not binding themselves in the slightest degree by those antiquated forms of asseveration which our ancestors of old had enacted, and which were totally unsuited to the times in which we lived.

Mr. NEWDEGATE said, the hon. Member for Manchester had congratulated himself upon not having taken the oath to defend Her Majesty. He begged to congratulate the hon. Member upon having escaped that which would have been to him a dilemma; for if there was any Member in that House to whom such an engagement would be embarrassing, it was the hon. Member for Manchester. The hon. Member was the representative of a small religious sect, yet no hon. Member appeared to pay such little consideration to the religious feelings of others. The hon. Member in politics pursued a course as aggressive as in matters of religion; he was a consistent supporter of those who urged that House to grasp in their own hands the legislation of the country, without waiting for the sanction of the Crown, in utter violation of the law of the country, and the declared opinions of the House of Lords. But the point to which he wished to call their particular attention was the manner of this aggression. ["Hear!"] He repeated the words, it was an "aggression." There sits the elected of Greenwich in defiance of the law. They had been frequently reminded of the appearance of Baron Rothschild at that table. There were many painful recollections connected with the appearance of that Gentleman, who left a fictitious qualification paper on that table. He (Mr. Newdegate) did not know whether there was any more such rubbish left upon the table of the House on the present occasion; but they had the opinion of the Speaker that Baron Rothschild's paper, which he supposed was originally intended by its author for the archives of this House, was fictitious and illegal, and the Speaker had most properly directed that fictitious document should be consigned to some rubbish closet. The appearance of Baron Rothschild at the table of the House had been characterised by an attempt to play a trick. What had characterised the appearance of the elected of Greenwich? Why, an audacity unparalleled. He came there, and, setting at defiance the Resolution of that House, and in direct violation of the law as declared by the proceedings of both Houses of Parliament, he attempted to take a seat. He agreed with the hon. Member for Cockermouth, that they were proceeding with extraordinary lenity towards him. If they were to have persons sitting in that House in opposition to all law and order, how could order be, in future, preserved? Why should he or any other Member be bound by order, when they saw it so wantonly violated? The elected of Greenwich was returned under distinct pledges that he would violate both the law and the order of the House. The hon. Elected had been desired to retire, and he did once most unwillingly retire. But at the next meeting of the House, in defiance of their order, he took a seat. If they were to preserve the characteristics of the House of Commons — those characteristics of orderly debate which might well be followed as an example by the constituent assemblies of other countries—it was their bounden duty to maintain the authority of their Speaker, and to insist on the elected of Greenwich quitting this House, and that he should cease to violate that order which they were bound to preserve.

MR. J. EVANS deprecated the discussion of this question under excited feelings. The importance of the question could not be exaggerated. The House was in collision with two large constituencies, and had been so for four years with that of London. He did not remember an instance of the House coming into collision with a constituency without being defeated. He had heard of such a collision with the electors of Middlesex, and the proceedings had to be erased from their Journals. How was this to end? There had been four or five attempts at passing a Bill which was rejected by the other House. In coming to a decision, they ought to take care that it was well founded. Last year they had decided that Baron Rothschild should be sworn on the Old Testament, and immediately afterwards they decided that he could not be admitted because he would not take a Christian oath. Which of these were they to be bound by? Or would they go back to the decision in Mr. Pease's case? They were in a difficulty owing to the Resolution of last year; and the noble Lord ought first to have proposed that it should be rescinded. As he had not done so, the question might be discussed on the Amendment before the House. He had no doubt the opinion of the Solicitor General, that there was nothing whatever in the substance of the oath which required the words "on the true faith of a Christian," was a correct one, and the House ought to be bound by it. Every lawyer knew that an oath consisting of a promise and an adjuration, the latter could be altered, while the former could not, otherwise it would be impossible to bind the conscience of any one. The adjuration did not in the slightest degree affect the substance of the oath—the oath was finished before the adjuration was arrived at, and it was sworn on the true faith of a Christian if the party was a Christian—on the true faith of a Jew if the party was a Jew. Therefore, he doubted not the oath had been properly taken by the hon. Member for Greenwich. A native-born Jew of this country was entitled to all the privileges of citizenship, unless it could be shown that he was deprived of them by statute.

COLONEL THOMPSON said: I only wish to justify myself to my constituents, in case they ask whether I listened to any great absurdity without raising a voice in opposition. It was plain there was no evidence whatever to show that the framers of the oath of abjuration ever wished, or intended, or dreamed of doing anything but to find out who would stand by King James, and who would not. Did anybody suppose it was the intention of the framers to leave Jews and Quakers to support King James if they liked? On the contrary, it was plain that whenever a desire arose to have their declarations, the phraseology they objected to was dispensed with. It was a solemn mockery for this House to place the Old Testament in an hon. Member's hands, and thereby call upon the Almighty to attest his asseveration, when they knew all the while they had a quirk lying in wait to baulk him in the middle of it. The responsibility is not on this side of the House, for we own no Deity but one we reverence. It is plain your Deity is not our Deity; is this the way you treat your Jupiter? Religion and the duty of impressing the sanctity of its forms were oftener in the mouths of the other side of the House; but this side practises.

MR. CROWDER observed, that the real question which, as he understood, the House was now called upon to decide was, whether the hon. Member for Greenwich had taken the oath of abjuration or not? He thought it was impossible to come to a decision upon that question without looking at it judicially. It was impossible to decide it except as judges, and deciding it as judges it appeared to him that they ought to do so with calmness and deliberation; but he thought some portions of the discussion had been very unlike the deliberation of judges upon a judicial question. He felt called upon to state his opinion upon the point of law, because this was really a question of law, and he was sorry the lawyers had not agreed in their opinions.

Lawyers on each side had said there was not a shadow of doubt upon the subject; and he must say that he really had no doubt in his own mind. He would have felt the greatest satisfaction if he could have brought himself to the conclusion that the hon. Member for Greenwich could take his seat in that House according to law, because he did not yield to any man in his strong desire to get rid of that exclusion of particular sects which he thought a disgrace to the legislation of this country. But, looking at this as a question of law, the only conclusion he could arrive at was, that the hon. Member for Greenwich had not taken the oath. He was very much surprised at the argument of the hon. and learned Member for Aylesbury (Mr. Bethell), because he believed no lawyer in that House or in the kingdom entertained the notion that, under the statute 10th George I. chap. 4, if properly construed, any Jew might come to the table without the necesity for any other Act of Parliament, and take the oath of abjuration with the omission of certain words. That statute, among others, was set forth in the Report of the Select Committee which sat upon these oaths, and was open to the inspection and consideration of all those who took part in the disscussion of this question last year; but he was not aware that any one had expressed such an opinion as that to which he had just alluded. He certainly differed altogether from his hon. and learned Friend. He considered that his hon. and learned Friend the Member for Abingdon (Sir F. Thesiger) had taken a right view of this question, and that the 10th George I., cap 4, referred to a particular subject, and had no reference whatever to the oaths taken by Members of Parliament in that House; and he thought this fact furnished one of the strongest arguments to show that the words "on the true faith of a Christian" could not be omitted without legislative interference. He might add that two other statutes bearing upon the same point showed that before these words could legally be omitted, the Legislature must interfere, and pass an Act of Parliament. The 13th George II., cap. 7, referred, among other things, to the naturalisation of certain Jews and foreigners, and it provided that whenever any person professing the Jewish religion should present himself to take the oath of abjuration in pursuance of the Act, the words "upon the true faith of a Christian" might be omitted from the oath, &c., "in like manner as Jews are permitted to take the oath of abjuration by the Act made in the 10th year of King George I." There was also a subsequent Act, the 8th and 9th Victoria, cap. 52, which was passed for the purpose of relieving Jews in the case of the declaration for the taking of municipal offices, substituted for the sacramental test. That Act referred to a declaration—not an oath, showing that with respect to a declaration equally with an oath the terms must be literally adhered to, and it expressly gave permission to Jews to leave out the words "on the true faith of a Christian." But he must ask the House how they could deal with this case without reference to a case which, under precisely the same circumstances, they had themselves decided after much discussion last year, the decision being recorded in the Journals of the House. The hon. and learned Member for Aylesbury had said, "There is nothing in the language of the Resolution of last year which would impugn your decision at present, that Mr. Salomons has taken the oath of abjuration." There might be nothing, perhaps, in the precise language of the Resolution, if the hon. Gentleman chose to construe it according to a legal sense, but it was well known the circumstances were similar. It would be remembered that on the occasion to which he referred, Baron Rothschild came to the table and took such parts of the oath as had been taken by the hon. Member for Greenwich. What distinction, then, was there here? It was impossible that the House could decide in favour of admitting the hon. Member for Greenwich, without going directly in the teeth of its former decision. It was said that the former decision of the House might be rescinded; but he would ask whether it ought to be rescinded by a side wind in the manner now proposed? It had been said that the words "upon the true faith of a Christian" might undoubtedly be omitted, because this was only a jurat; but he held that such was not the case, and that without an Act passed for the purpose, those words could not be omitted any more than any other of the words from the beginning to the end of the oath. The 2nd Victoria, to which reference had been made, was merely a declaratory statute, declaring what the common law of the kingdom was as to the manner of taking oaths generally; and it was clear that when an oath was directed to be taken, if no form of language was prescribed, every man might take it according to the ceremonies which bound his conscience. The fallacy of all the arguments of the hon. and learned Solicitor General on this subject was, in construing the word "forms" in that Act as including "forms of words;" to which it clearly had no application. How could it rationally be contended that where a form of words was prescribed, as in the present case, a man might leave out such portion of this long oath as he pleased, provided he adhered to its substance and said, "I abjure the Pretender?" If the House decided that the words might be omitted, they would take upon themselves the functions of the Legislature, because the Legislature had chosen to prescribe a form of language complete in all its parts. He did not advocate the necessity of this oath in this present day, for he agreed with those who thought that there was now no need for the oath of abjuration; but he also agreed with those who considered that they could not erase that oath from the Statute-book except by an Act of Parliament.

MR. **MUNTZ** had taken no part whatever in the debates on this question, and had contented himself with giving a silent vote for the admission of Jews to Parliament. He never could understand why the question of life and death should be left to the determination of a Jew in the jury-box, or why the office of sheriff should be open to his acceptance, and yet that he should be denied the right to sit in that House, It appeared to him that the House was in a very anomalous position. He (Mr. Muntz) did not take part in the proceeding that recognised the right of the Jew to be sworn on the Old Testament. But it appeared to him that those who voted in favour of the Resolution, either intended to admit the Jew to that House, or to directly insult him, by putting to him an adjuration which he knew to be false. While the Jew did his duty, as well as other citizens, and enjoyed other privileges equally with other members of the community, he could not refuse the claim which was now put forth in his behalf.

MR. **WAWN** was understood to support the right of Jews to sit in the Legislature; but the hon. Member's attempt to address the House was inaudible, in consequence of the cries for a division.

MR. J. A. **SMITH** said, he had just been requested by his hon. Friend the Member for Greenwich to state, that though he voted on the first divison which took place that evening, yet, as the division to which they were now proceeding involved a question personal to himself, he therefore, in obedience to the custom of the House, would retire without voting. But at the same time his hon. Friend the Member for Greenwich respectfully requested it to be understood that by his retirement he did not abandon one tittle of the right which he came there to maintain.

ALDERMAN **SALOMONS** then rose, and having bowed to the Speaker, withdrew from the House.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided* :—Ayes 229; Noes 81: Majority 148.

List of the AYES.

Acland, Sir T. D.
Adair, R. A. S.
Adderley, C. B.
Arbuthnot, hon. H.
Archdall, Capt. M.
Bailey, J.
Baines, rt. hon. M. T.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Baring, H. B.
Baring, rt. hn. Sir F.T.
Baring, T.
Barrington, Visct.
Barrow, W. H.
Beckett, W.
Bellew, R. M.
Beresford, W.
Birch, Sir T. B.
Blackstone, W. S.
Blair, S.
Blandford, Marq. of
Booker, T. W.
Booth, Sir R. G.
Bouverie, hon. E. P.
Bowles, Adm.
Brisco, M.
Broadley, H.
Brockman, E. D.
Brooke, Sir A. B.
Brown, H.
Buller, Sir J. Y.
Burghley, Lord
Burrell, Sir C. M.
Burroughes, H. N.
Cabbell, B. B.
Campbell, hon. W.
Cardwell, E.
Carew, W. H. P.
Cavendish, hon. C. C.
Child, S.
Childers, J. W.
Christopher, R. A.
Clerk, rt. hon. Sir G.
Clive, H. B.
Cobbold, J. C.
Cockburn, Sir A. J. E.
Cocks, T. S,
Codrington, Sir W.
Colebrooke, Sir T. E.
Coles, H. B.
Collins, T.
Compton, H. C.
Conolly, T.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Cowper, hon. W. F.
Craig, Sir W. G.
Crowder, R. B.
Cubitt, W.
Currie, H.
Curteis, H. M.
Denison, E.
Dick, Q.
Divett, E.
Drummond, H.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Duncuft, J.
Dundas, Adm.
Dundas, G.
Dundas, rt. hon. Sir D.
Dunne, Col.
East, Sir J. B.
Ebrington, Visct.
Edwards, H.
Egerton, W. T.
Elliot, hon. J. E.
Estcourt, J. B. B.
Fergus, J.
FitzPatrick, rt. hon. J.
Fitzwilliam, hon. G. W.
Fortescue, hon. J. W.
Fox, S. W. L.
Freestun, Col.
Freshfield, J. W.
Frewen, C. H.
Gaskell, J. M.
Gilpin, Col.
Glyn, G. C.
Gordon, Adm.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granby, Marq. of
Grey, R. W.

Grogan, E.
Grosvenor, Earl
Guest, Sir J.
Gwyn, H.
Halford, Sir H.
Hall, Col.
Hallewell, E. G.
Hamilton, G. A.
Hamilton, J. H.
Hanmer, Sir J.
Hatchell, rt. hon. J.
Hawes, B.
Hayes, Sir E.
Headlam, T. E.
Henley, J. W.
Herbert, H. A.
Herbert, rt. hon. S.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hildyard, T. B. T.
Hindley, C.
Hodges, T. L.
Hodgson, W. N.
Hornby, J.
Hotham, Lord
Hudson, G.
Inglis, Sir R. H.
Jermyn, Earl
Johnstone, Sir J.
Johnstone, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knightley, Sir C.
Knox, Col.
Knox, hon. W. S.
Labouchere, rt. hon. H.
Lacy, H. C.
Langston, J. H.
Langton, W. H. P. G.
Legh, G. C.
Lennox, Lord H. G.
Lewis, G. C.
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Mackinnon, W. A.
Magan, W. H.
Manners, Lord C. S.
Masterman, J.
Matheson, Col.
Melgund, Visct.
Meux, Sir H.
Moffatt, G.
Monsell, W.
Moody, C. A.
Morgan, O.
Morris, D.
Mostyn, hon. E. M. L.
Mullings, J. R.
Mundy, W.
Naas, Lord
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
O'Brien, Sir L.
Ogle, S. C. H.
Packe, C. W.
Paget, Lord A.

Paget, Lord C.
Pakington, Sir J.
Palmer, R.
Palmer, R.
Palmerston, Visct.
Parker, J.
Peel, Col.
Peel, F.
Pigott, F.
Ponsonby, hon. C. F.
Portal, M.
Prime, R.
Pusey, P.
Reid, Col.
Renton, J. C.
Ricardo, O.
Rice, E. R.
Rich, H.
Richards, R.
Romilly, Col.
Romilly, Sir J.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Sandars, G.
Scott, hon. F.
Seymer, H. K.
Shelburne, Earl of
Sibthorp, Col.
Smyth, J. G.
Somerset, Capt.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanton, W. H.
Strutt, rt. hon. E.
Stuart, H.
Stuart, J.
Sturt, H. G.
Talbot, C. R. M.
Taylor, Col.
Thesiger, Sir F.
Thompson, Ald.
Thornhill, G.
Trollope, Sir J.
Tyler, Sir G.
Verner, Sir W.
Vesey, hon. T.
Vyvyan, Sir R. R.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Watkins, Col. L.
Wegg-Prosser, F. R.
Wellesley, Lord C.
Wigram, L. T.
Williamson, Sir H.
Willoughby, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wrightson, W. B.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the NOES.

Adair, H. E.
Aglionby, H. A.
Alcock, T.

Anstey, T. C.
Armstrong, Sir A.
Armstrong, R. B.

Barron, Sir H. W.
Bass, M. T.
Bell, J.
Bethell, R.
Bright, J.
Brotherton, J.
Brown, W.
Clay, J.
Clay, Sir W.
Cobden, R.
Collins, W.
Crawford, W. S.
Currie, R.
Dawes, E.
D'Eyncourt, rt. hn. C. T.
Duke, Sir J.
Duncan, G.
Ellis, J.
Evans, Sir De L.
Evans, J.
Forster, M.
Fox, W. J.
Gibson, rt. hon. T. M.
Granger, T. C.
Greene, J.
Hall, Sir B.
Hastie, A.
Hastie, A.
Henry, A.
Hobhouse, T. B.
Hodges, T. T.
Horsman, E.
Kershaw, J.
Locke, J.
Lushington, C.
M'Cullagh, W. T.
M'Gregor, J.
Marshall, J. G.
Milner, W. M. E.

Milnes, R. M.
Mitchell, T. A.
Molesworth, Sir W.
Muntz, G. F.
Norreys, Lord
Norreys, Sir D.
O'Brien, J.
Pechell, Sir G. B.
Pilkington, J.
Power, Dr.
Reynolds, J.
Salwey, Col.
Scholefield, W.
Scobell, Capt.
Scully, F.
Seymour, H. D.
Sidney, Ald.
Smith, rt. hon. R. V.
Smith, J. B.
Strickland, Sir. G.
Stuart, Lord D.
Stuart, Lord J.
Sutton, J. H. M.
Thompson, Col.
Thompson, G.
Thornely, T.
Tollemache, hon. F. J.
Villiers, hon. C.
Walmsley, Sir J.
Wawn, J. T.
Westhead, J. P. B.
Willcox, B. M.
Williams, J.
Williams, W.
Willyams, H.
Wilson, M.

TELLERS.

Smith, J. A.
Osborne, R. B.

After the division, Mr. Alderman Salomons re-entered the House, and took his seat as before.

Question again proposed, "That Mr. Alderman Salomons do now withdraw.

MR. CHISHOLM ANSTEY wished hon. Members to consider the importance of the question on which they were now about to come to a division. He was happy to see that the hon. Member for Greenwich had returned to his place; he thought his hon. Friend had been wrong in yielding to an excessive delicacy, and in withdrawing before his question was put. He thought it was his hon. Friend's duty to suppress all feelings of that kind, in consideration of the major question, which he was there to defend. The present question would, in fact, decide the fate of his seat; for, if the House had power to order him to withdraw below the bar, it had power to unseat him, and to order the Speaker to cause a new writ to issue. He was happy to see that this interpretation was adopted by hon. Gentlemen opposite, though there was an ominous silence on the Treasury bench. He hoped that on the present question, involving the fate of his seat, the hon. Member would consider his constituents more than himself, that he would stay and vote, and leave the responsibility of consequences on those who, whether led by intolerance, or a worse feeling—for he thought concessions to intolerance worse than intolerance itself—would have contributed to swell the majority against him. The question now was, that the hon. Member for Greenwich be ordered to withdraw; and he had to ask the House, when they had carried that Motion, whether it was their intention that the hon. Member should withdraw out of the House, or whether he should withdraw simply from his seat. It was perfectly plain that when the next question came to be put, namely, that for his contumacy in disobeying that order (as he must disobey it, if he was satisfied that the majority had no rightful power over him), he be committed to the custody of the Serjeant-at-Arms, when that question came to be put, which hon. Gentlemen anticipated with cheers of frenzy and delight, it would then be for some one to move, and he would himself move it in the absence of any one more qualified to do so, that the hon. Member be heard in person or by counsel against that sentence. The House had now to consider to what part of the House they were going to order him to withdraw; and when the Motion was made, that the hon. Member be heard against the execution of the order, he thought that, even in the present temper of the House, there would not be one Gentleman who would refuse him a hearing. He (Mr. Anstey) should move that the hon. Member be heard in his place; but if there were those present who thought that, in the face of an order directing him to withdraw, the hon. Member could not be so heard, he would ask them if it was their intention that the hon. Member should be heard as a stranger—as one not of them—at the bar of the House? He asked those who relied on that view of the case to point out to him the passage in the so much relied on Act of Parliament which justified them in proceeding to that extreme act of exclusion? He found nothing in the Act depriving the hon. Member of the right to be heard in his place. Were hon. Members prepared without further inquiry, in a case of so much magnitude and importance, to adopt the Resolution of the noble Lord, which, he believed, would not have been moved had the noble Lord waited till that stage of the debate, as the arguments of the hon. and learned Member for Aylesbury, and others who spoke on that side, must have satisfied him that there must be much graver doubt than, when he moved that Resolution, he might be supposed to believe. He could not but think that great discourtesy had been shown towards the hon. Member for Greenwich: first, in the indisposition of the House to listen to any arguments on the subject; and, next, in the utter silence maintained by the Government, for none of the Ministers appeared to deem the rights of the great constituency of Greenwich of sufficient importance to induce them to address a single word to the House on the subject. To this moment the argument remained unanswered on the main question, namely, the power of that House to administer the abjuration oath in any shape or form—not one word had been said by the Government, by the law officers of the Crown, or by any Gentleman who had spoken in favour of the Resolution. He said, until that question was settled, the House was not ripe for the decision; and he thought the fittest course for the noble Lord to have taken would have been to move for a Committee, and to refer the question to it for consideration. If they feared the arbitration of the Courts of Law. they ought to shrink from deciding it in ignorance and haste. The House, last Session, decided that the hon. Member for the City of London was entitled to be sworn at the table as a Jew—that the seat was full—but that he was not entitled to vote until he had taken the oath in the form appointed by law; but what form that was, the House refused to pronounce. If they had proceeded so cautiously in that case, would they not show even greater caution here, when a question of still graver importance—the right of the hon. Member for Greenwich to continue to hold the seat he had assumed—was before them, especially when all the hon. Gentleman asked at their hands was an opportunity to submit himself to the decision of a Court of Law? They denied that the law was against the worthy Alderman, and pointed to former and undisputed precedents. In the form of affirmation permitted to be taken by Quakers, the House had omitted the words declaratory of belief in Christianity, as being words of form and solemnity only, not of substance. In order that they might not decide this question over hastily, that they might have time to consider what was done and promised last year, and what the dignity of that House required from them in the assertion of its privileges against the usurpation of the other House, he would move the adjournment of the debate.

MR. BRIGHT seconded the Amendment.

LORD JOHN RUSSELL: I will state in a few words the course which I think the House ought to pursue. I, of course, cannot think of agreeing to the Motion for adjournment, for which the hon. Member who has just addressed the House has not assigned any reason whatever. With respect to the question before the House, I think the House ought at once to come to a decision as to whether the hon. Member for Greenwich ought or ought not to withdraw. It was my intention, as I stated in an early period of the evening, to have made a Motion similar in terms to the Resolution which was adopted last year in the case of Baron Rothschild. I do not wish, however, that the House should come to an immediate decision on that question—and I shall be ready to make that Motion to-morrow, leaving time for hon. Members to consider what course they may think fit to adopt respecting it. But, with respect to the Motion immediately under consideration, I do think the House is in a situation in which it can fairly decide upon it. The hon. and learned Member for Youghal has stated that, in the event of the House adopting the Resolution which I have proposed, the hon. Member for Greenwich will, of course, refuse to withdraw.

MR. ANSTEY: No. I said I hoped he would do so.

LORD JOHN RUSSELL: The only precedent which I can find upon this subject is one which is more favourable to the hon. Member for Greenwich, than the case of Baron Rothschild. With regard to Sir W. Windham, there were some words of his which were found fault with in this House. He was ordered by the Speaker to withdraw, but refused to do so. I find the transaction thus noticed in the Journals of the House:—"Motion being made, and Question put, that Sir W. Windham do retire, the House divided: Ayes 206; Noes 127." "And thereupon," the Journal says, "the Motion was resolved in the affirmative, and he withdrew accordingly." I believe that, in so acting, he only paid a proper respect to this House. It will be remembered that Sir W. Windham was, at that time, an undoubted Member of this House, and that he had spoken in debate. He declined to withdraw on the order of the Speaker, but retired at once in deference to a resolution of the House. If the hon. Member for Greenwich will not pay that respect to the House, of course other measures must be taken. But when the authority of the Speaker is confirmed by a resolution of the House, I do hope there will be no hesitation on the part of the hon. Member in withdrawing.

SIR BENJAMIN HALL said, he saw no practical good that was to result from an adjournment of the debate. They had already had enough of discussion, and he thought that under the circumstances in which the hon. Member for Greenwich was placed, and considering the great difference of opinion which existed amongst the high legal authorities in this House, the hon. Member had taken a wise and proper course, both as regarded himself and the constituency he represented. He (Sir B. Hall) had no knowledge of the intentions of the hon. Gentleman after this division; but he would take upon himself to recommend the hon. Gentleman to let the House come to some decision now. No good result could accrue from an adjournment; and no further debate could throw greater light upon the subject.

MR. WAWN said, that the hon. Member for Greenwich was allowed to take the oath on the Old Testament, and he wished to know why other words should be added which were inconsistent with the Old Testament.

MR. HOBHOUSE rose amidst loud cries for a division. He said he had but one observation to make, and that was, that the hon. Member for Greenwich would weaken his own case if he did not rise and state, however briefly, the course he meant to pursue. The hon. Gentleman had sat and voted in the House, and assuming that he had the right to do so, it logically followed that he had also the right to speak. What the hon. Gentleman ought to say it was not for him to declare —but whatever his intention was, he thought it would be better for the hon. Gentleman to state by his own mouth, and not by that of another Member.

MR. ALDERMAN SALOMONS rose to speak, amidst cries of "withdraw;" but the House showing a general desire that he should be heard, the hon. Gentleman spoke as follows:—"Sir, I should not have presumed to address you, or this

House, in the peculiar position in which I am placed, were it not that I have been so pointedly appealed to by the hon. Gentleman who has just sat down. I trust the House will make some allowance for the novelty of my position, and the responsibility that I feel in the unusual course which it may be thought I have adopted. But I beg to assure you, Sir, and the House, that it has been far from my intention to indulge in anything contumacious or presuming towards either. But having been returned to this House by a large constituency, and believing that I labour under no disability whatever, and that I am in a position to fulfil all the requirements of the law, I thought I should not be doing justice to my own position as an Englishman and a gentleman did I not adopt the course which I thought right and proper of maintaining my right to appear on this floor—without thereby meaning any disrespect to you, Sir. I thought I was bound to take this course in defence of my own rights and privileges, and of the rights and privileges of the constituents who have sent me here. In saying this, Sir, I shall state to you that whatever the decision of this House may be, I shall willingly abide by it, provided that just sufficient force be used to make me feel that I am acting under coercion. Having expressed these sentiments, I will not intrude on the time of the House further than to say, that I trust and hope that in the present doubtful state of the law—doubtful, as shown by the different opinions of the most eminent lawyers who have addressed this House—no final order or resolution will be adopted towards me or my constituents without affording me an opportunity of addressing the House, and, stating before the House and the country what I believe to be my rights and privileges, what I believe to be the rights of my constitutents, and what I believe to be the duty of this House. I hope this House will not refuse that which I believe no court in the country ever refuses to the meanest subject of the realm—that it will not refuse to hear me before it comes to a final decision.

MR. BRIGHT said, that he had not seconded the Motion of adjournment for any factious or unreasonable end; but he thought that the House, before it came to a decision, should do so when it was less excited that it was at present. It would be admitted that the law question had been more thoroughly sifted that night than it had been on any former occasion, by the most able men in the House, and he thought there was no Member who must not feel that the law was open to great doubt. He was much mistaken, or the noble Lord would confess that the case presented itself to his mind in a less clear form than when he advised the House to come to a Resolution last year—a resolution which he thought rather increased than diminished the difficulties of the question. He was, therefore, the more anxious that the House should not come to a hasty resolution on the present occasion. He should therefore suggest that the debate be adjourned till to-morrow. In the meantime the noble Lord could consult the law officers of the Crown; and the Members of the House would do well to review the whole of the proceedings. If the majority continued to be of the same opinion, and should still refuse to admit the hon. Gentleman, their decision would then be more respected, and would have more weight in the country. After the temperate, wise, and judicious speech of the hon. Gentleman, he thought it was the more necessary for them to adopt the course he suggested.

SIR DE LACY EVANS came to the same conclusion as the last speaker, and particularly that the House might have an opportunity of considering the Resolution which the noble Lord had submitted to them. If that was a judicial tribunal, they had not treated the question with the dignity which a judicial tribunal should do. He regretted the course which had been taken by the other branch of the Legislature, who had not treated the respresentatives returned by the people and large constituencies with proper respect. He thought the course pursued by the House of Lords was an improper interference with the rights and liberties of the people. Whoever would take the trouble of looking at the history of the country must be satisfied that the contest would come to a speedy conclusion. Whether the hon. Member for Greenwich would be given into the custody of the Serjeant-at-Arms or not, the country would entertain a different opinion upon the subject than appeared to prevail in that House, which had treated the hon. Member for Greenwich with something like ridicule. The country would sympathise with the hon. Gentleman, and would acknowledge that it was he who was contending for the just rights of the people, and the House that was disregarding them.

Lord JOHN RUSSELL: After the appeal which has been made to me, I must say one word upon the adjournment of the debate. The hon. Member for Greenwich has spoken so temperately on this occasion, that I regret I am not able to comply with any request that may seem favourable to his being fully heard. I have already said, with regard to the question itself, I am quite willing, and it is my intention to postpone its consideration until to-morrow. If the House should think, as I confess I do not, that the law is at all favourable to the hon. Gentleman, and that he should be allowed to take his seat, the House might then come to a Resolution upon that subject, and he would then be fully entitled to come into the House and take his seat according to that Resolution. But I own I do not think it is possible, in any case after Mr. Speaker has ordered him to withdraw, and has, in fact, appealed to the House to support his authority, that in such a case I can consent to the adjournment of the debate. It appears to me that the House must decide on this point, leaving completely untouched the substantive question, whether they shall come to-morrow to a Resolution in conformity with that which they came to in the case of Baron Rothschild; or, having heard the whole, shall reverse that decision.

Mr. BERNAL OSBORNE said, that he would not do anything which was opposed to the respect due to the right hon. Gentleman in the chair, as a gentleman and as Speaker to that House; but there were rights superior to his, and he would not remain silent when he thought a great injustice was going to be committed, merely because Mr. Speaker had pronounced from the chair that the hon. Gentleman withdraw. The case of Sir William Windham, which the noble Lord had adduced, was materially different from the present one. Sir William Windham had spoken some words which were offensive to Members of that House; but the hon. Member for Greenwich had not said anything that was offensive to any Members of the House. He had been returned by the electors of Greenwich to take his seat in that House; it was not a question of a mere form of words, and the hon. Member could not, in his opinion, leave his seat until he was taken into custody by the Serjeant-at-Arms. He advised the hon. Member to take that course; for however adverse that House might be to him, there was a power out of doors which would compel them to rescind their Resolutions, and would bring noble Lords in another place to their senses. He thanked the hon. Gentleman for doing that which he thought would mainly conduce to carry this question. If the noble Lord did not make the question a Cabinet question, they might go on, Session after Session, passing Bills, and the House of Lords would reject them. They would reject them until the large constituencies of the country spoke out, and caused the question to be made a Cabinet question. He called upon the hon. Member for Greenwich to retain his seat in that House until he was removed by the Serjeant-at-Arms; and not many months afterwards the House would be compelled to grant full and equal justice to the members of the Jewish persuasion.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided:*—Ayes 75; Noes 237: Majority 162.

Question put, "That Mr. Alderman Salomons do now withdraw:"—Ayes 231; Noes 81; Majority 150.

Whereupon Mr. SPEAKER stated, that the hon. Member for Greenwich had heard the decision of the House, and hoped that he was prepared to obey it.

Mr. Alderman Salomons continuing to sit in his seat, Mr. SPEAKER directed the Serjeant-at-Arms to remove him below the bar:

Whereupon the Serjeant-at-Arms having placed his hand on Mr. Alderman Salomons, he was conducted below the bar.

Mr. CHISHOLM ANSTEY wished to ask Mr. Speaker if his attention had been drawn to the language of the Act of Parliament, and whether the hon. Member for Greenwich could stand at the bar in the place appropriated to Peers?

Mr. SPEAKER: The hon. Gentleman may take his seat in the place where hon. Gentlemen usually sit before they take the oaths.

Mr. BRIGHT begged to ask a question of the noble Lord at the head of the Government. There was some misapprehension as to what the noble Lord had said with respect to the Resolution he intended to move on the next day. Would the Resolution he intended to propose with respect to the hon. Member for Greenwich, be precisely similar to that which was carried last year with respect to the Member for the City of London? Before the House adjourned it would be well to know precisely what it was they were expected to do next day.

Lord JOHN RUSSELL said, the Resolution he should propose was exactly similar to the Resolution which the House had approved of in the case of Baron Rothschild. He should move that David Salomons is not entitled to sit or vote in the House during any debate, not having taken the oath of abjuration in the form appointed by law. He understood that Alderman Salomons had expressed a wish to be heard at the bar, and in that case he would move that he be heard in the same way as Mr. O'Connell had been heard at the bar of the House.

Lord DUDLEY STUART: At what hour, to-morrow, will the noble Lord move the Resolution? Is it at twelve o'clock?

Lord JOHN RUSSELL: At five o'clock.

Mr. BRIGHT begged to ask the noble Lord whether he would make any statement of his intentions to-morrow night on this question? because if that was all the noble Lord proposed to do, which he stated he would do, the House would be just where it was this time last year.

Sir FREDERIC THESIGER said, he thought it right to inform the House that he should not now make the Motion which on Friday night he intimated he would make, but should agree to the Resolution which he understood the noble Lord intended to propose.

Mr. BERNAL OSBORNE begged to ask the noble Lord at the head of the Government, whether he should now feel it his duty to institute a prosecution against the hon. Member for Greenwich?

Lord JOHN RUSSELL: I should think if the hon. Member for Greenwich wishes to be prosecuted, he will be able to find some person who will do it.

Mr. CHISHOLM ANSTEY wished to ask whether on the hon. Member for Greenwich being called on to make his election to-morrow, to be heard at the bar or not, the noble Lord would then consider the propriety of prosecuting him?

GENERAL BOARD OF HEALTH (No. 2.) BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Sir JOSHUA WALMSLEY moved for the appointment of a Select Committee, to inquire by what means the Board of Health had issued the provisional order for applying this Bill to Great Yarmouth, contrary to the protest and remonstrance of the mayor and a large majority of the ratepayers of that borough, or what improvements by drainage are now carrying on under that contract, to the satisfaction of the inhabitants and ratepayers of that borough, as in public meeting expressed. He assured the House that 1,500 ratepayers out of 2,500, and all the authorities of the town, were opposed to the powers which the Commissioners sought by this Bill. He must oppose Mr. Speaker's leaving the chair.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words, 'this House do not resolve itself into the said Committee before the Provisional Orders of the General Board of Health be laid on the Table of this House,' instead thereof."

Lord SEYMOUR said, that it was necessary to do something with respect to the public health in Yarmouth. There had been a paving commission for the last forty years in the borough, that had done nothing. That body had elected itself, was irresponsible, and did not publish its accounts.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 92; Noes 12: Majority 80.

Main Question put, and agreed to. Bill *considered* in Committee.

House resumed.

Bill *reported* as amended.

THE VETERINARY SURGEONS' EXEMPTION BILL.

House in Committee.

Mr. BOUVERIE moved that the Chairman should leave the chair.

After a brief discussion, in which Mr. Newdegate and Mr. Bass supported the Bill,

Motion made, and Question put, "That the Chairman do leave the chair."

The Committee *divided*:—Ayes 24; Noes 13: Majority 31.

House resumed.

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, July 22, 1851.

MINUTES.] PUBLIC BILLS.—2^a Chief Justices Salaries; Ecclesiastical Titles Assumption.

Reported.—Appointment to Offices, &c.

3^a Turnpike Acts Continuance; Turnpike Trusts Arrangement; Inhabited House Duty; Canada and New Brunswick Boundary; St. Albans Bribery Commission.

ECCLESIASTICAL TITLES ASSUMPTION BILL.

Order of the Day for resuming the Adjourned Debate on the Question, "That the Bill be now read a Second Time," read.

Debate resumed accordingly.

The EARL of WINCHILSEA said, he could assure their Lordships, and more especially the Roman Catholic portion of them, that he was most anxious that not one word should drop from him that could in any manner give offence or pain; for however strong and decided his own conviction, it was not his wish in giving expression to them to offend others. During the long course of opposition to the Roman Catholic claims which had characterised his public life—which dated almost as far back as that of the noble Marquess opposite (the Marquess of Lansdowne), a public life of nearly forty years' duration—he had never been influenced by any feeling of personal hostility towards the members of the Roman Catholic Church. He had been guided solely by what he conceived the true interests of the country; he had always endeavoured to uphold those principles upon which the constitution was founded, and by which England had attained her greatness and freedom. He had many friends among the Roman Catholics, of whose friendship he was justly proud; and, if he could have conceded their claims on the ground of private friendship, he should have been most happy to have made that sacrifice of his private inclinations. But he had always been convinced that there were principles in the Church of Rome which he never could admit, because they were inconsistent with, nay, intrinsically hostile to, civil liberty, and the spirit and genius of the British constitution, and to the existence of the Church of England. It was on such grounds that he had resisted to the last the passing of the Emancipation Act, and the admission of the Roman Catholics to the Legislature of this country. It was now twenty-three years since that Act received the Royal Assent; and when he now looked around him, he could not help lamenting the loss of many whose support he then enjoyed, or whose opposition he admired—many who agreed in what he then predicted would be the consequences of the Relief Act, and who, had they lived, would have seen these predictions but too accurately verified. He had pointed out at the time the fatal consequences which he anticipated from the unfortunate concession of that Act. He had maintained then, and he maintained now, backed by the experience of twenty-three years, that equality of civil privileges never would satisfy the Church of Rome, and that we should find fresh claims put forward by its members of which we had never heard, and which would involve the country in new difficulties. He remembered that at that time he was frequently taunted as a narrow-minded bigot, and as a false prophet. He had borne the taunt with indifference, and had only replied that time would show which party was right in the anticipations drawn of the effects of that measure. It was predicted, on the other side, that peace and concord, tranquillity and harmony, would be restored both to this country and to Ireland, and that hereafter we should have no religious difficulties. Fearfully had those anticipations been disappointed, and no wonder, for Rome never gave up claims which she had once asserted, but only waited for an opportunity to enforce them. He would not weary their Lordships by any lengthened allusion to the measures which had been passed since 1829; but whether he looked to the severe blow and heavy discouragement which the Church of England had received by the reduction of half the number of its bishops in Ireland, or whether he looked to the attempt made to shut up every Protestant church in that country, which was only defeated by the stanch opposition of its Protestant inhabitants, or whether he looked to the fate which had befallen those who held that the Scriptures should be read in every school in Ireland, or whether he looked to the system of the Queen's Colleges, which had been instituted to conciliate the feelings of the Roman Catholics in Ireland, but which had failed in its object, because the Roman Catholics knew full well that every system of education must diminish, if not destroy, their influence, he found that all the measures taken by the Government were injurious to the interests of the Protestant Church, and were so far from satisfying the Roman Catholic clergy and laity, that they were even encouraged to commit a daring act of aggression upon the Crown of these realms, and upon the religious feelings of their population. Melancholy indeed was the picture shown by the last census for Ireland, for it showed that by the awful judgments of the Almighty, upon that Popish country, of famine and pestilence, the Roman Catholic population had been reduced two millions; and he had no doubt in his own mind that, if a fair census were to be taken of the religious views of the people of Ireland, it would now show that the Protestant population of Ireland was nearly equal to the Roman Catholic. He had no doubt that if there were in Ireland freedom from that dreadful persecution which the Roman Catholic Church of Ireland still exercised over the population by denouncing from the altar individuals who left it, hundreds of thousands of Roman Catholics would come over to the Protestant Church. He firmly believed that in no other country in the world but this, would the priesthood of Rome have ventured on so daring an act of insult, or so monstrous an aggression on the civil power, as that which they had committed within the last nine months on the Queen of England. He would not, however, stop there. In no other country of the world would they have offered so brutal an insult to the feelings of a great Protestant community, as that which they had offered to us in the face of the whole globe; for the Pope, not content with outraging the Throne, and insulting the people, had ignored the very existence of the Church which they so cherished, and the very existence of Protestants in a Protestant nation. It was well said last night by the noble Marquess opposite, that we had not been the aggressors. No; the Roman Catholics had been placed in the possession of every privilege which we ourselves enjoyed; and he must deny what the noble Earl near him (the Earl of Aberdeen) asserted last night, that the appointment of bishops in ordinary was necessary to carry on the administration of the spiritualities of the Church of Rome. When the Emancipation Act was passed, nothing was said in the debates upon it, no evidence was offered in the various Committees which previously inquired into the subject, to show that vicars-apostolic were not sufficient to carry on the religious ceremonies and observances of that Church; and experience had proved that by vicars-apostolic its affairs might be efficiently administered. It was difficult to trace the various circumstances which had led to this last daring act of aggression, and which had induced the Pope to think that he had any chance of success in it. He attributed the Pope's conduct partly to the mission of Lord Minto to Italy, and to his extraordinary proceedings in the course of that mission—a mission entirely unconstitutional, and contrary to those great and solemn acts of the Legislature upon which the Church and Throne rested; partly to the fact that successive Administrations in this country had acknowledged the titles of Roman Catholic bishops in our colonies; partly to the conduct of Government to the Irish Established Church, and its vain and weak attempts to conciliate the Irish Roman Catholic clergy; and partly and chiefly to a Romanising body of clergy in our own Church, many of whom had already gone over to Rome, and the rest of whom he hoped would shortly follow the example of their apostate brethren. He was one of the first to see what that movement in the Church, which begun some years ago, would end in; he had predicted that that movement would end in Popery, and he had lived to see his anticipations verified. He asked their Lordships whether the power of England was fallen so low that we dared not demand from the Pope reparation of the insult which he had offered to our most gracious Sovereign, and the instant withdrawal of the individual whom he had dared to appoint Archbishop of Westminster? A Cardinal who, under such circumstances, entered any other foreign State, would not have been allowed to remain in it twenty-four hours; and reparation would have been demanded for the insult to the Throne, and the outrage upon the feelings of the whole nation. He considered the present Bill as a paltry Bill—as a Bill below contempt, for it endeavoured to vindicate, in pounds, shillings, and pence, the injured honour of our illustrious Queen. He should certainly record his protest against such a paltry measure. He told their Lordships distinctly that, after such a Bill as this, the present would not be the last aggression of the Pope on the prerogative of the Crown, and on the feelings of Protestant England. This Bill was a direct encouragement to proceed onwards on the path into which he had already entered. He ventured to predict that within ten years from the present day the proceedings of the Pope, if not severely checked, would involve this country in tremendous confusion and ruin. He asked their Lordships to consider what the result would have been if we had offered to any other Sovereign in Europe the same insult which we had ourselves received from the Pope of Rome. We must either have withdrawn the insult, or must have been prepared to meet the worst consequences that could be expected. He anticipated that if we did nothing more than pass this Bill, we should soon have a synod of these bishops meeting in our own country, and ignoring the Legislature and all its proceedings. Did the Roman Catholic bishops in those synods confine themselves entirely to spiritual matters? Quite the reverse. In one of their late synods they had ventured to consider the whole question of landlord and tenant. Was that a spiritual matter? Nay, were they not even now sitting in a sort of synod, and declaring publicly that they did not care a straw for any laws which might be passed against them? He should not be doing justice to his own feelings if he did not offer his thanks publicly to the noble Baron opposite (Lord Beaumont) for the able and manly speech which he delivered last night. That speech did equal honour to his head and to his heart. It showed, at any rate, that he was not influenced by the ultramontane principles of his Church, and that he valued as he ought the honour and independence of his country. He believed that before long the majority of his Roman Catholic fellow-countrymen would discover that nobody would be more injured than themselves by this unprovoked aggression. As for this Bill, he (the Earl of Winchilsea) should not vote either for it or against it. It was unworthy of the great insult which it professed to redress; it contained no reparation for the gross insult offered to the Sovereign of Great Britain, and no reparation for the outraged religious feelings of this great and enlightened Protestant country.

Lord LYNDHURST said, that the subject then before their Lordships was nearly exhausted. It had been discussed already for several months in the other House of Parliament, and last night it was very fully and very ably discussed by their Lordships; and he should certainly have hesitated to address their Lordships on the present occasion had it not been for some allusions which had been made to him personally by his noble Friend who had addressed the House so eloquently at the commencement of the debate (the Earl of Aberdeen), and also by his noble Friend the gallant Duke (the Duke of Wellington). He trusted that he should satisfy their Lordships, before he resumed his seat, that the course which he had hitherto pursued in order to give to the Roman Catholics a full participation in all the liberties and privileges enjoyed by the rest of their fellow-countrymen was not inconsistent with the course which he intended to pursue that evening in voting for the second reading of this Bill. But before he entered upon that topic, he would direct their attention to the Bill itself. It had not as yet been much considered in its details, and, therefore, adverting to the situation which he had formerly held in that House, he hoped that he might be permitted to express his opinion as to their operation and effect. The Bill divided itself into two distinct parts—the one declaratory of the existing law, and the other to a certain extent enacting a new law. The noble Marquess, who spoke with so much eloquence and good feeling last night, had confined his attention almost entirely to the enacting part of the Bill, and had made no remarks on the formal and substantial portion of it. The noble Marquess was desirous to show favour to his own puny bantling, rather than to the more vigorous propagation which had recently been forced upon him. Now, the first thing to be considered was, to what did this Bill apply? The Bill applied itself to a state of things which had resulted from the publication of a Rescript from the Pope. Now, considering the first portion of the Bill, what was the proper construction to be put upon it? The preamble said that "Divers of Her Majesty's Roman Catholic subjects have assumed to themselves the titles of archbishop and bishops of a pretended province, and of pretended sees or dioceses, within the United Kindom, under colour of an alleged authority given to them for that purpose by a certain Brief, Rescript, or Letters Apostolical from the See of Rome, purporting to have been given at Rome on the 29th of September, 1850." Now, this preamble spoke of pretended sees—sees properly so called in the Bill—sees appointed without the authority of the Crown—sees illegal and utterly unauthorised. It likewise spoke of attempts to establish such sees by a certain Brief or Rescript from Rome, which was in itself illegal and void; and it proceeded to enact, that "all and every the jurisdiction, authority, pre-eminence, or title conferred, or pretended to be conferred thereby, was and should be, and be deemed, unlawful and void." It followed as a matter of course that if the Brief were illegal and void, the jurisdiction which it created must be illegal and void also. What, then, was the point to be established? This was a declaratory law. Was the law correctly stated? He was the more anxious that their Lordships should inquire into that point, as it was not until the close of the discussions elsewhere that the amendments containing this clause were introduced, and therefore they were not so thoroughly sifted as other portions of the Bill. He apprehended that the mere statement of the facts which had given rise to this Bill would be in itself sufficient to prove that the attempt to create these pretended sees by the authority of the Pope of Rome was illegal by the law of England. What were the facts and the statement by which he proposed to prove that proposition? In a few words he would present them to their Lordships, in order that the conclusions which he had announced might follow at once from the facts themselves. A foreign prince possessed of ecclesiastical authority issued an ordinance, or Rescript, or Brief, for the purpose of creating sees in England, or rather of dividing the territory of an independent Sovereign into various territorial jurisdictions. He appointed persons enjoying ecclesiastical and spiritual authority to preside over those jurisdictions. One object was, to introduce into them a code of laws which was unknown to this country, and which, though a code which was sometimes considered by us—we had constantly and invariably repudiated. Another object was, that the persons appointed to these pretended sees should confederate together to oppose any measure of the British Legislature which should trench on their authority, or should be inconvenient to the exercise of their power. This ordinance was signed not only by the Pope of Rome but also by a council of foreigners—ay, of foreign ecclesiastics. A person raised to the dignity of Cardinal, an Englishman by birth, bearing his dignity without the assent or authority of his Sovereign, came to this country, and took upon himself the office of Archbishop of Westminster. As such he was enthroned. He published the Papal Brief without any attention to the laws of Parliament or the will of his Sovereign. He (Lord Lyndhurst) asked whether such conduct as this was not a violation of the independence of this country? He asked whether any lawyer of experience, whether any man of historical information, whether any man of common sense and understanding, could say that such an act was not at once unlawful and void? He was sure that his noble and learned Friend on the woolsack, and that all his other noble and learned Friends in that House, would not dissent from his proposition, for the bare statement of facts carried conviction along with it, and must satisfy all of the justice of his conclusion. He did not, however, intend to let the case rest here. It was a part of the law of England, and had been so from the very earliest times, that no see could be created without the consent of the Crown. That could not be disputed—it was clearly laid down by all our earliest legal writers. He would show that the practice had always been conformable to and consistent with the law. He could trouble their Lordships with cases on the point from the time of Alfred down to that of the Reformation; but he would abstain. In the reign of Alfred, in that of the Conqueror, in that of his son, in that of Henry I., in that of Henry II., and of Edward I.—and, indeed, in every successive reign up to the Reformation, with the exception of one rare case, in which the Pope had ventured to assail the independence of the English Church, numerous cases occurred, in all of which, with one exception, it was steadily maintained that the assent of the Crown was necessary to the appointment of a see. Was there any law to the contrary now? None of which he was aware. It was sometimes said that the assent of the Crown was necessary with reference to the temporalities. Undoubtedly the temporalities of the see were handed over by the Crown to the bishop of the see; but there was no ground whatever for saying that this was the ground of the principle. No jurisdiction, no temporal authority, no dominion over any of the Queen's subjects, could be exercised without the consent of the Sovereign, or, what was equivalent to it, of the Parliament of which She was a Member. But the case did not even rest here. What was the general law of universal Europe on this point? There was no text-writer on the law of nations who did not state that no see could be appointed to in any kingdom of Europe without the assent of its Sovereign. The principle was stated by them all plainly and broadly. Then, if this were the law of nations, by the principles of the common law, it became part and parcel of our common law. He had, then, the authority of the public law of civilised Europe for asserting that this was a principle which prevailed universally, and which never had been and never could be disputed. It was not for him to trouble their Lordships by running through a complete roll of cases, to show that the practice was in conformity with the general law; but he would cite a few illustrations of it, and he would defy any person to cite any respectable decision to the contrary. He would take first the countries which were in communion with the Church of Rome. In France, in the time of Pope Leo X., in consequence of some intrigue, an attempt was made to establish a new diocese in the archiepiscopal province of Lyons. The Pope issued a rescript establishing a see in that place. The King of France instantly remonstrated, and almost immediately the brief was withdrawn. About six or seven years afterwards the attempt was renewed; another remonstrace took place; and the brief was cancelled. But then it was said that that applied to the case of countries in communion with the Church of Rome, but not under a concordat; but the existence of a concordat was an affirmation of the principle. He would take a case in later times, when there was a concordat between France and the Pope. In the time of Charles X. the Bishop of Poictiers published a brief without the consent of the Crown. Complaint was made; the mandate was revoked, and the bishop apologised that he did it in ignorance. So that, whether the countries were in communion with the Church of Rome, with or without a concordat, the practice was in conformity with the principle he had laid down. What took place in Prussia? When the negotiations between that country and the See of Rome were depending, the Pope was desirous to establish there three sees; but he did not attempt to do it without the consent of the Crown. Far from it; but more than that—the King of Prussia refused his assent, and the act was not done. Then, what took place in the Netherlands under a concordat strictly in conformity with the law? The assent of the King of the Netherlands was requested to the appointment of three bishops. The revolution took place before the object could be effected; no attempt was made subsequently to establish those sees, and at that moment, notwithstanding what had been said, the administration of the Catholic Church in that country was carried on by vicars-apostolic—there was no episcopate. Again, what was the case with one of the cantons of Switzerland, that of Basle—a Protestant country—never in communion in modern times with the Church, and under no concordat? The Pope was desirous to establish a Roman Catholic see in that country. He applied, as a matter of course, to the Government, and, with the assent of the Government, the establishment took place. He had ventured to cite those cases in illustration of what he had stated; and he would repeat, that all writers on the law of nations uniformly and constantly stated that no see could be established in any independent country by the authority of the Pope without the assent of the Crown or the Government. The mere statement of the facts would carry conviction to the mind of every reasonable man that this act of the Pope was a violation of the independence of this country, and an infringement of the rights of our Sovereign. It was contrary to the law of the country with respect to the formation of sees; it was contrary to the law of Europe; and, therefore, he hoped their Lordships would concur with him in thinking that this declaratory part of the measure was sufficient to establish that those briefs were illegal and void. But further, he did not mean to rely on the statute of *præmunire* passed in the reign of Richard II. He agreed with his noble Friend who spoke last night, that it would be unwise and imprudent to drag from their obscurity obsolete statutes, particularly statutes accompanied with such severe and heavy penalties; statutes that, in the language of the poet—

> "Like an old lion from its cave,
> Went forth to catch its prey,"

But not only would it be unwise and imprudent thus to appeal to obsolete statutes, it was also unnecessary. There were some general words at the end of the statutes which were supposed to apply to the present case; but he would take upon himself to say that if any act were done that came within the scope of those general declaratory words, that act would be an offence against the common law of England, and, being so, would be illegal and void. He said also, that it would be imprudent and improper in the highest degree, according to his opinion and view, to refer to what was called Lalor's Case. We were going on harmoniously with the system of vicars-apostolic. We were content with that system. We considered it legal and proper in every sense. Lalor's Case was cited for the present argument to show that what was done in this instance was illegal and void. Be it so. He did not like Lalor's Case; there were circumstances in it that did not recommend it to his mind. What was the fact? The system we were desirous of continuing was the system of vicars-apostolic. But that, according to Lalor's Case, was equally illegal and void; for that case was founded on the statute of Richard II., as applied to vicars-apostolic. Lalor was found guilty in four counties in Ireland, and suffered the penalties of *præmunire.* Could anything, therefore, be more imprudent than to quote that case. Now, the clause of this Bill was a declaratory clause; it declared and enacted, and therefore assumed the law to be before the Act as it would be after it; it introduced no new law; and he would ask their Lordships whether the attempt that was made by the authority to which he had referred to establish these pretended sees, was not a violation of the law of this country, and therefore whether not within the declaratory clause of this Act? He trusted that his noble and learned Friends would concur with what he had stated, or would draw some distinction which had not occurred to his mind. So much, then, as to the first part, the substantive part, of the measure. The Bill was not altogether the measure of the Government. Amendments had been forced upon them at a late stage, and adopted by them of necessity. But there were two other parts of the Bill besides that to which he had referred. It was very material that the whole measure should be distinctly understood, and it was with great reluctance, and not without some inconvenience to himself, that he went into these details. But the measure itself had not been much considered in the discussion of the previous evening, and therefore it was that he pursued the course he was taking. The enacting part of the Bill, contained in the second clause, was to this effect:—By the Relief Act any person assuming the title of an existing see, and so offending against the law, was subjected to a penalty. It prohibited persons from assuming the titles of pretended sees, and he thought no reasonable person could object to the extension of that prohibition. The person who assumed the titles of these pretended sees committed an illegal act. If it were proper to prohibit the assumption of the titles of legal sees, *à fortiori,* it was proper to prohibit the assumption of titles of these pretended sees. No dissatisfaction had occurred with respect to that extension of the law. The next part was that which increased, he would not say the penalty, but the mode of enforcing the prohibition. By the present law the prohibition could only be enforced by the Attorney General. Mark what had occurred. That law had been in force for upwards of 20 years. He would not say to what extent it had extended the assumption of titles, but every one must know that that assumption had been carried by some individuals of the Roman Catholic Church in Ireland to a considerable extent. No attempt had been made to enforce the prohibition; the penalty had been suffered to lie dormant. Now what could be more unwise than to prohibit an act, to declare it illegal, to provide penalties, and to suffer those penalties to lie dormant? Better would it be to repeal that statute than to leave it so. If the prohibition was to continue—if the penalty was to continue, let them adopt some means of enforcing it. What better means could be adopted than what this Bill proposed? At present nothing could be done without the consent of the Crown. By this Bill an informer might enforce it, so that he had previously obtained the assent of the Crown. What would be the effect of that? An Attorney General might slumber on his post; this Bill recalled him to activity, compelled him to give reasons why he would not proceed, and added responsibility to his conduct. Upon these grounds he thought it would be wise to adopt the additional means of enforcing the penalty, which was one of the Amendments introduced into this Bill. He had now directed the attention of their Lordships to various parts of the Bill, and explained to the best of his power its effect and operation. He had said that part of it was the law of the land; the declaratory part of it he thought he had established, namely, that Briefs issued without the consent of the Crown, for the purpose which he had stated, were illegal and void. No alteration of the law, therefore, was proposed to be made by this Bill in that respect. Its object was to meet a gross violation of the law. He was sure, therefore, that the Bill would meet with their Lordships' approbation. And now, having passed over this part of the subject, he hoped their Lordships would allow him to say a few words with respect to the course which he had himself pursued with regard to the Roman Catholics in this country. He was party to the Relief Act of 1829. He had the honour of holding at that time the Great Seal, and filling the seat now so well filled by his noble and learned Friend. He consulted with his Colleagues: he was satisfied, and they were satified, that not only was it a measure of justice, but, in the state of Ireland and of parties in the other House of Parliament, it was absolutely necessary. They were aware, on introducing that Bill, of the consequences to which it would lead so far as related to themselves; they knew it would lead to their relinquishment of office; but the question was of such a nature, their sense of duty was so strong, that they voluntarily incurred the risk, and afterwards did relinquish office. He took a principal part on that occasion, assisted by his noble Colleagues, in introducing the Bill into their Lordships' House, and supporting it in the active and vigorous debates with which it was assailed. He did not regret the part he had then taken. Further than that: he afterwards came into power at a subsequent time. His noble Friend who spoke so well on the previous evening on the other side of the House (Lord Beaumont), directed his attention to various Acts of Parliament, which, though necessary at the time they were introduced, as he admitted—though necessary immediately after the Reformation, had become a disgrace to our Statute-book. He referred the whole question of those Acts to a Commission. A Commission was at that time sitting with respect to the criminal law, and he directed it to sit and examine those Acts, which were very complex, and report to him how far they thought they might go in repealing them. They made their report, and in consequence of that report, two Bills were introduced and carried, expunging from the Statute-book the greater part of those Acts, and in others the extreme penalty imposed for the infringement of them. The object that he and his Colleagues who cooperated with him had in view was the extension of toleration to the Roman Catholics. Did he say toleration? He meant a full participation of all the rights and privileges of the rest of Her Majesty's subjects. That was the object he had in view, and he thought they had fully attained that object. But toleration would never satisfy the Roman Catholic Church. It had been so stated by his noble Friend near him (the Earl of Winchilsea) in the course of that

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evening's discussion. Toleration they wished for to save themselves from inconvenience, and further, as a stepping-stone to the attainment of power; but toleration as a principle was wholly alien to the Roman Catholic Church. It was acknowledged that they despised it. Had he good authority for that? He had strong and decisive authority. In a letter from the late Pope to the bishops of Belgium, he said, "They talk of establishing liberty of conscience. It is an absurd and erroneous maxim—it is a wild notion. I reject it with disdain." What was it that the Roman Catholics desired? Domination and ascendancy, and never would they be satisfied until they obtained the object of their ambition. Had the progress of science and light altered those principles? Had their designs changed from what they were in former times? Not in the least. What they were 300 years ago, they were at the present moment—hesitating when politic, blinking when necessary, advancing when it could be done with safety. They told us that their principles were eternal—immutable. But he would ask their Lordships whether there was any inconsistency in the course he was pursuing? He was willing and anxious that toleration and liberty of conscience should be granted to the fullest extent. But toleration was the very opposite to domination. Here, then, he took his stand; and because he conceived that this was the first step towards the establishment of that principle in this country, he voted in support of this Bill. But he would ask their Lordships whether they thought the Roman Catholics of Ireland had adhered to their promise? When the Relief Bill was under consideration it had been examined, criticised, and adopted, by those persons in whom the Roman Catholics of Ireland confided, and to whom they intrusted the care of their interests. It was sanctioned in every way in all the securities or supposed securities. The noble Marquess on the previous evening read you an address confirmatory of that statement. But what had happened. That Act prohibited the assumption of titles of existing sees. Had the Roman Catholics of Ireland regarded that prohibition? He did not mean to say it had in every instance, but to a very considerable extent it had been violated by various individuals in that country. Priests were forbidden to appear in their robes in public, but only in their places of worship; that prohibition was constantly disregarded. There was also a prohibition in that Bill, which he considered an important one, against the introduction into this country of Jesuits. There were certain limitations, certain restrictions, certain boundaries therein to prevent that prohibition from being attended with inconvenience or injustice; but the system had been carried on in defiance of the prohibition: they had acted in total defiance of it. Again, there was what he considered a most important and material prohibition against the establishment of monastic institutions in this country. It had been acknowledged that those establishments were the most effective means of making proselytes to the Roman Catholic religion. But there were at the present time in this country nearly twenty monasteries of men, established in opposition to that prohibition. He said, then, that the Roman Catholics of Ireland had taken all we granted, and more, but in return they had not given us a single thing which they themselves had promised, and upon which we relied. A noble Lord had spoken of the synod established in Ireland, and he had lately read the history and the proceedings of that body. An Act of Parliament was passed to establish colleges and places of education for the middle ranks of the people in that country. Every care was taken, as he could vouch, to prevent any exception on the ground of religion — every guard was inserted in that Bill to prevent a system of proselytism, on the one side or the other. Nothing could be more carefully considered than all the details of that Bill. It was a most beneficial measure; it was approved of by a large body of the Roman Catholic laity and also of the Roman Catholic clergy of Ireland. Upon the death of the late archbishop, the Roman Catholic Primate, the ordinary mode of election was departed from, the Pope having in view a great ecclesiastical organisation in Ireland. Three names were selected by the Roman Catholic clergy of Ireland, and out of the three names so selected, the archbishop was generally chosen. In this instance they were all rejected, and a stranger to Ireland, though certainly born in that country, educated in Italy, a monk, he believed, by profession, was raised to the Roman Catholic primacy. And for what purpose? To convene a synod. It was necessary to silence those Roman Catholic bishops who had approved of the colleges to which he had alluded. But how were they to be silenced? By the decree of a synod, which spoke by the majority. A synod was convened; it pronounced against the colleges, and the Pope confirmed the decision. The result was, that the effect to the middle classes of the Roman Catholics of Ireland, of a measure so beneficially intended by Parliament, had been entirely lost. He referred to these instances as guards and beacons which they ought to keep in view, in considering these subjects. While speaking on the subject of education, he would mention a circumstance which he had seen sixty years ago, and which he had not seen mentioned since. He was then engaged in some mathematical pursuits, and, among others, the *Principia* of Newton passed before him. Their Lordships were aware that that work was couched in very short terms; a good deal was taken to be known, and in reading it a person was obliged to go through a long train of reasoning, to arrive at the conclusion. Why did he mention that? Two Jesuits, able mathematicians, took upon themselves to write notes on the *Principia.* Their notes were, he believed, quadruple in extent to the text. They were very learned notes, very laborious, and showed to the fullest extent that the authors of them knew full well every thing in the *Principia*—the principles upon which were founded the conclusions to which it necessarily came. An edition of the *Principia* was published with those notes, and their preface to the work was quite ludicrous. They said, "We have commented upon this curious work; we have shown the intention and conclusions of the author; but it must not be supposed for a moment that we assent to those conclusions, or that we differ in a single iota from the opinions and doctrines of the Roman Catholic Church." What a monstrous conclusion it was to which the Roman Catholic ecclesiastics of Ireland had come, that the young men of Ireland should be withdrawn from the colleges to which he had referred, where they would have obtained sound learning, to be put under the tuition of the priesthood in Ireland? In the establishment of these Colleges everything was done for the purpose of preventing proselytism. And what took place? By intrigue and management, and violation of the law, the Roman Catholic clergy endeavoured to convert them into Roman Catholic colleges. But the Government obtained a knowledge of it, pursued the labyrinth, and found out the whole scheme. The system was discovered—the Government interfered, and what was the result? The Roman Catholic bishops, not being able to have everything their own way, immediately withdrew the children of the Roman Catholic Church from these beneficent establishments. He had mentioned these facts for the purpose of putting their Lordships on their guard with respect to the designs of that Church. He wished to resist, as far as he could, every attempt at encroachment. He would rescind nothing of what had hitherto been done—he approved of it, and if it were to come over again he should pursue the same course. But here he took his stand. Not one step further towards the attainment of power, of ascendancy, of domination, would he proceed. He adhered to the principle in voting for this Bill, his old principle of *principiis obsta*, and on that ground would vote in favour of the second reading; and trusted he had acquitted himself of any inconsistency between the course he had formerly pursued, and that which he was prepared to take on the present occasion.

Lord VAUX, who was nearly inaudible, was understood to oppose the Bill, on the ground that it was not the description of legislation calculated to meet the evil, if evil there was. It was impossible for the Pope to establish a hierarchy in England without appointing districts and naming sees. The people of Ireland were in a state of anxiety with reference to a Bill which was intended to aim a blow at their ancient hierarchy, which had never been disturbed, and they naturally viewed this description of legislation with alarm and distrust. The present Bill was infinitely more stringent than that first introduced; and this was the more unfortunate, because, after the original introduction of the Bill, he (Lord Vaux) had called upon the noble Marquess (the Marquess of Lansdowne), and inquired if the Bill would be allowed by the Government to be made more stringent than it then was; to which the answer of the noble Marquess was, that it would not. He (Lord Vaux) thought that he and others had been much misled by this assurance of the noble Marquess; and he felt himself in a very embarrassing position when he found that the Bill had been assented to by the Government in so much more stringent a form. He deprecated the Bill as a recurrence to the spirit of persecution, without any necessity or reason. If the Government had exercised a little more discretion and caution, they would have communicated with the Roman Catholics who, by their influence with their co-religionists, would have evoked an expression on the part of the Catholics expressive of the impolicy of attempting the re-formation of a hierarchy in this country. As the matter now stood, he confessed he regarded the issue with anxiety, and had now nothing more to say than he hoped, on this as on all other occasions, to do his duty equally to his religion and to his Sovereign.

The EARL of WICKLOW said, he was not sorry, as a usual supporter of the Government, to be able to say that, in opposing the present Bill, he was not opposing any measure of theirs. It was well known in that House and elsewhere, for which portion of it the Government were responsible. The Bill had undergone changes very remarkable. A stringent measure had been originally introduced by the Government, founded upon a most imprudent letter written and circulated by the noble Lord at the head of the Government; and had Parliament met immediately after its publication, the Bill introduced would have been far more stringent. In the progress of the original Bill the Government saw the impolicy of the course they were pursuing, and relaxed, in a great degree, the force of their own measure, so that the measure, as intended by the Government to pass into law, became very inoffensive; and though he should have opposed it as unnecessary and unworthy of the Legislature of this country, and unfitted for its object, he should not have characterised it as severe. He should have opposed any such measure as unworthy, because not intended for the welfare of the subjects of this country, but as a miserable revenge upon a foreign Power. In the progress of the amended Bill, and in the very last stage of it, however, enactments were introduced into it against the will of the Government, but which, to the astonishment of the country, they had assented to and adopted. He was convinced that the Government had not given full consideration to the force and effect of the Amendments that had been successively proposed. And even after the speech of the noble Marquess (the Marquess of Lansdowne), it was his belief that the noble Marquess did not understand the force of the measure he was propounding to their Lordships. He (the Earl of Wicklow) was the more convinced of this because it now appeared that the noble Lord (Lord Vaux), a member of the Catholic body, had—frightened at the prospect of the proposed legislation—obtained from the noble Marquess an assurance that the Bill would not be made more stringent in its progress through the House of Commons. The noble Marquess might say, that he was not responsible for the alterations made in the Bill by the other House. But surely, after what had passed, when the Government found enactments forced upon them against their opinion, and their own measure totally altered in its nature, it was their duty to decline to proceed further with the Bill. Yet, so far from this, not one word fell from the noble Marquess on the subject—their Lordships heard not from the noble Marquess any hint of alterations having been made in the Bill of the Government, whether with their assent or without it; but the noble Marquess merely recommended the measure as perfectly his own, as useful and beneficial to the country, and as not calculated at all to prejudice the interests of the Roman Catholic religion in this country. The Bill might really be divided into two distinct and different parts—the Government portion, and the Opposition portion. As now framed, it must either render illegal and void all the acts of the Catholic episcopate, and defeat the carrying on of the Catholic religion in the country, making it impossible to appoint Catholic bishops in England or Ireland, and invalidate all the acts of Catholic priests—or it must be (as he suspected the Government desired it to be) a dead letter, never carried into effect. In the latter supposition, was it becoming in the Legislature to assist the Government in framing laws not intended to be executed? Let it be observed, under the 24th Clause of the Emancipation Act, it was illegal to assume any titles at present used in the Established Church; yet from the time of the passing of that Act, these titles had been assumed (sometimes openly, certainly notoriously) in Ireland, where the bishops of the Catholic Church performed all the functions of the episcopate under these titles; and it was indeed impossible that they should otherwise perform them at all than under the very titles they were prohibited by the Emancipation Act from assuming. And it had been stated—he believed truly—that, when this clause was under consideration, the Catholic leaders pointed out to the Government the evil which must ensue from enforcing such an enactment, and they were assured that the clause was introduced as an apparent security for the purpose of carrying the Bill, but that it was never intended that it should be put in force. The Government, under the Emancipation Act, had the power of carrying out their own intentions, as no prosecutions could be instituted except by the Attorney General. And in the present Bill, when originally introduced, there was no "informers' clause." The Government, indeed, would have effected their own object better by simply introducing an amendment of a few words into the Emancipation Act, extending the prohibition of the assumption of existing titles to any new titles; and to such a measure probably there would have been little opposition. The noble and learned Lord (Lord Lyndhurst) had argued that the existing law was in itself sufficient to prevent the assumption of these titles; whence it would follow that the Bill was needless altogether. The noble and learned Lord had said, that the clause in the Emancipation Act ought to have been executed, and that the Attorney General of those days had slumbered at his post—the noble and learned Lord's own Attorney General—for the noble and learned Lord was high in office at the time, and was certainly responsible for the slumber of his own Attorney General, whom he could have easily awakened if he had pleased. It was now proposed that the Legislature should construct a species of "flapper," to prevent that learned officer from sleeping at his post in future. But he believed that few were at all aware of the extent of the evil which it would entail upon the country. No Attorney General could ever withstand the enormous pressure from without which would be exerted in order to get this Bill put in force. That powerful engine, the hydraulic press, which their Lordships could see in operation at the Great Exhibition, exerting its prodigious and marvellous power, would only be a poor illustration of the tremendous pressure from all parts of the country which would follow the passing of this Bill. There was no bigot in the country—no opponent of Catholicism, of whatever character, from the highest to the lowest—who would not evoke the agency of the Attorney General, in order to enforce the law. The law officers of the Crown would not be able to resist this enormous influence—they must perform the duty imposed upon them by this Bill; and it was impossible to predict the consequences. It was really extraordinary that the Government, after such injurious alterations had been made in their own measure, should not only go on with the Bill, but quietly propose it as if it were one they had all along approved of, and propounded as a useful and salutary Bill. He objected to the Bill, further, because the preamble upon which it was founded stated falsehoods. It stated that doubts existed as to whether the assumption of the titles was illegal. Why, so far from any one imagining it was illegal under the Emancipation Act, he believed every one must have seen that the prohibition was expressly framed so as to permit the assumption of any other titles than those mentioned in the Act. And so far from the measure of the Holy See being intended as an insult, it was a remarkable instance of a most studious effort to act without giving offence to the British Government; for it was a great sacrifice on the part of the Catholics to give up their old-established episcopate — the ancient sees of England. The right rev. Prelates present were aware that, although supported by the law of the land, the See of Rome had never acknowledged them as legitimate bishops, having invariably maintained that the Holy See was the sole source of episcopal jurisdiction; and this was the first instance in which (out of deference to the law of the land) the Holy See had abolished the ancient sees, so far only as the Catholic Church was concerned, and solely for the purpose of creating new sees for that Church, without giving offence to the Government or people of this country. To call that an insult was really unreasonable. But what was the course proposed to resent it? To inflict punishment —not on the party who did the act—but on our own fellow-subjects. The measure was not directed against the Pope. He could laugh at it. It was against the Catholics of this country that it would operate. It might remind their Lordships of a beautiful figure of Mr. Burke's, in which he represented a warrior directing a mortal blow at his enemy, but arresting his hand on seeing that the body of his own child intervened. It was against their own Catholic fellow-subjects that this Bill would operate, crippling and restraining them in the exercise of their religion—a wretched revival of that system of persecution under which, by penal enactments, by fire and sword, it had been sought, for three hundred years, to extirpate the Catholic religion; the only result being to rivet it on the country more firmly than ever. And did not the Government, perhaps, but those who forced the provisions of this measure on the Government, think that they could do by such enactments as these what the whole powers of the country had been inefficient in doing? By the Bill now before the House they would show —what was not a safe principle to establish in regard to Ireland—that they were in the habit of passing laws to be violated by the people; and he expected no disturbance nor great excitement in Ireland in consequence of this measure, because the people there were determined to disregard it. They had but two alternatives to choose—either to pack up their goods and chattels and quit the country, where, if this Bill were respected, the Roman Catholic religion could not be respected; or, what he thought was more likely to happen, to laugh at the enactments of the measure. This he could not but contemplate as an unfortunate state of things. He had been surprised at the strong opposition of the representatives of Ireland to the Bill as originally introduced; for it was only in consequence of the amendments subsequently introduced that it became effectively applicable to Ireland. For the reasons he had stated he gave his most cordial support to the Amendment of the noble Earl (the Earl of Aberdeen).

The Duke of NEWCASTLE: My Lords, I did not at once rise after my noble Friend the noble Earl (the Earl of Wicklow), because two speeches in succession have already been delivered on that side of the question which I now rise to support. And, my Lords, I rejoice that I did not address your Lordships sooner, because even now I feel that I can hardly express the deep regret with which I heard the concluding passages of the speech of my noble and learned Friend (Lord Lyndhurst). My Lords, so great is the attachment which I feel to him, the admiration with which I have ever looked up to him, the reverence (I might almost say) I entertain for him, and the respect with which I regard his position in this House, that it was with the deepest and most sincere regret that I heard him who was a member of the Cabinet which passed the Emancipation Act, who was the author of the Bill which removed from the Statute-book those obsolete penal laws which had been felt as a grievance for so many years by our Roman Catholic fellow-countrymen— it was with the deepest regret, my Lords, that I heard this great and eminent man supporting the Bill now before your Lordships on the grounds he put forward in the conclusion of his speech. My Lords, the concluding words of my noble and learned Friend's speech were "*principiis obsta!*" My Lords, my noble and learned Friend, appropriately enough, followed the noble Earl (the Earl of Winchilsea), but omitted to bear testimony, except indirectly, by the course he is now taking, to the consistency of the noble Earl. "*Principiis obsta!*" These words have been heard before. They were heard from the lips of the noble Earl, when, in 1829, he opposed my noble and learned Friend, who then thought it right, notwithstanding that appeal, to remove the grievances of the Roman Catholics, but who now calls upon you himself "*principiis obstare.*" And upon what grounds? Upon the very grounds which were equally applicable to the measures which he himself supported in 1829, and proposed in 1814. My noble and learned Friend says that the Roman Catholic Church is not satisfied with toleration—that the Roman Catholics have ever sought for domination and power. These are my noble and learned Friend's grounds for supporting the present measure; and he declares that such has always been the case. Upon what ground, then, did he concede the claims of the Roman Catholics, on those occasions when he was opposed consistently by the noble Earl? and why does he now bring forward these statements, the truth of which to a certain extent I am not about to deny, for they are of the essence of the Roman Catholic Church? and being so, I say, my Lords, you ought either to have maintained those restrictive laws which you have successively removed since 1791, or you ought now to carry out the principles which you have adopted to their legitimate conclusions.

My Lords, it would not be becoming in me to enter upon a discussion of the very important legal point raised by my noble and learned Friend. There is probably no one in your Lordships' House capable of disputing on points of this kind with my noble and learned Friend; and certainly I am not. But admitting or assuming the law to be as stated by my noble and learned Friend, however it may differ from the statements of lawyers in the other House—if it be true that this act of the Pope, in forming dioceses within the dominions of another sovereign is by international law illegal and void, and that the consent of such sovereign is necessary on all occasions—and if, as my noble and learned Friend further states, by the same international law the vicars-apostolic, as they existed previously to the recent Rescript, were equally illegal—then I have a right to call upon your Lordships to consider seriously this state of the question. It is not any justification of the Bill now before your Lordships that it makes by statute illegal that which was by international law illegal before, for, if such be the case, its only result can be that, if the law is now confusion, it will then be "confusion worse confounded." For, supposing that the Roman Catholics of this country, instead of treating the act with defiance, were to memorialise the head of their Church to conform to the intention of the measure (which, however, has no direct bearing whatever upon the Pope himself), and suppose the Holy See to pursue that course, in what position would the Roman Catholics then be? The Pope could, if he chose, withdraw this Rescript, and the bishops appointed under it; but in what position would the English Roman Catholics then find themselves? Why, their previous position was alike untenable; the vicars-apostolic were as illegal (so my noble and learned Friend says) as their bishops are now; and surely, if they are to return to their previous position, they ought at all events to be assured by the Government that it will be recognised as legal, and that no opposition will be made to their vicars-apostolic. My Lords, is it necessary for me to say that, though this may have been the law for three hundred years, it has not been acted upon; and the consent of the Crown has never been, in fact, asked by the Pope or the Roman Catholics to the establishment of a bishopric. It was not asked with reference to the creation of a new bishopric in Ireland—the bishopric of Galway—or on any similar occasion; and the Papal Rescripts have appointed vicars-apostolic without any consent of the Crown in this country.

My Lords, I must be forgiven if I advert to one other part of my noble and learned Friend's speech. He complained of the remissness of Attorneys General, who, he said, had slumbered at their post, and he rejoiced that now the Legislature was about, by this Act, to carry into effect the 24th Clause of the Act of 1829, and to compel the Government to prosecute the prelates of the Roman Catholic Church who should assume the titles prohibited in that clause. If this is a course that ought to be pursued, I deeply regret that my noble and learned Friend did not earlier discover it, for every year that has passed since the enactment of that clause has led the Roman Catholic population and prelates in Ireland to assume that it was intended by each successive Government to be a dead letter; and although only twenty-two years have passed since the Act containing that clause became the law of the land, I might almost have called upon my noble and learned Friend (Lord Lyndhurst), had it not been for his speech this evening, to have treated that clause as one of those obsolete laws which it was once his delight to remove, so far from now endeavouring to give fresh life to what every Government had disregarded. My official connexion with Ireland was of too short a duration for me to assume to myself any knowledge of that country which may not be possessed by all your Lordships; but I know full well that if that clause was now brought into operation, after the whole course of our legislation since 1831—after we have seen the right rev. Prelate who last night occupied the front bench (the Archbishop of Dublin) acting in harmony, and co-operating for the social welfare of the people of Dublin and of Ireland, with a man who was assuming a title legally belonging to him alone, and prohibited by law— [The Marquess of CLANRICARDE: No, no!]—a title which was prohibited by law, even though the words "Roman Catholic" were inserted before the word "archbishop."

The MARQUESS of CLANRICARDE denied that Archbishop Murray had ever assumed, as far as he knew, the title of Archbishop of Dublin.

The DUKE of NEWCASTLE: Unless I receive a much more positive contradiction than that now given by my noble Friend, I must maintain that I have no more doubt of that title being assumed by Archbishop Murray than I have that the other right rev. Prelate to whom I referred takes, as he is by law entitled to do, the title of Archbishop of Dublin, and I could without any difficulty bring proofs of the truth of my assertion. But at any rate those titles have been conferred; and now in these days to revive a clause, to which, judging from the debates in Parliament at the time the Bill passed, the Government attached little importance, and never looked upon in the light of a substantial security—to revive such a clause would be considered by the people of Ireland as a measure so vindictive, so fraught with insult to that country, that the consequences must be such as will be deeply regretted; for every evil which has hitherto attached to the social condition of Ireland, and every difficulty which has hitherto attended its government, will be increased a hundred fold.

But I understood my noble and learned Friend to look upon this Bill in the light of a security, and if so, he must of course mean a security for the Established Church. I am prepared upon this and all other matters to act upon principles which would give proper security to the interests of all classes of the community, and to no institution of the country more earnestly than to the Established Church; but I should feel content to place my opposition to this Bill upon the ground of my attachment to the Established Church of this country. So far from seeking a security in measures of this kind, the days have gone by for the Church to rely for support on other arms than those of truth and her own energy; and the interests of the Church itself are directly at variance with any course which shall place the rights and the religious liberty of any class of our fellow-countrymen in jeopardy.

We have been told this evening, and throughout the long period that this subject has occupied the attention of the other House of Parliament, that the Queen's supremacy had been invaded by the measure of the Pope. I shall not go over the ground which was so ably occupied yesterday by my noble Friend (the Earl of Aberdeen) who moved the rejection of the Bill, nor will I ask with him what the Queen's supremacy is, but I will say that the Queen's supremacy in any sense in which it can be understood can attach alone to the Church established by law in this country, and has no jurisdiction whatever over the Roman Catholic Church, except in so far as the Queen has civil jurisdiction over all classes of Her subjects—in that respect, therefore, the supremacy of the Queen can in no way be invaded. The Rescript, of course, confers ecclesiastical jurisdiction over those who belong to the Roman Catholic Church, but it neither has nor assumes to have any right in this country to enforce that jurisdiction—it claims canonical obedience, but only from those who voluntarily submit themselves to the jurisdiction of that Church. This being the case, I am at a loss to conceive how it can be shown that the Queen's supremacy has been invaded. There is a great difference between a legal and a moral claim. In this case no one asserts that there is a legal claim; but the Pope asserts a moral claim over those who voluntarily choose to submit to him. That is just the point which has been raised with respect to the proper interpretation of the words of the oath of supremacy. It is the point which prevents two noble Lords from taking their seats in this House, because they choose to give a construction to this oath which we think it is not capable of sustaining, they saying that the oath falsely denies a jurisdiction which all know to exist—we maintaining that it only denies a jurisdiction recognised by law and capable of enforcement. But we are told that the Queen's prerogative has been assaulted; and the noble Marquess opposite (the Marquess of Lansdowne), in moving the second reading of this Bill, discarding all the arguments so stoutly maintained in the other House of Parliament, and by the public press, rested the whole of his case upon the ground of the Queen's prerogative as the fountain of honour having been invaded. Now I offer no apology for the manner in which the thing was done. I shall not only be ready to admit with the noble Earl (the Earl of Malmesbury) that there was a "want of common civility" in it, but I shall be content to give those documents any stronger terms of reprobation which any of your Lordships may choose to ascribe to them. But when the noble Marquess says the prerogative of the Queen, as the fountain of honour, has been infringed upon, surely my noble Friend will admit that titles, in the common acceptation of the word, are of two kinds. Titles such as those which every one of your Lordships possess, conferring certain rights as well as dignities, are derived alone from the Queen, and cannot be infringed upon without offence to the Queen's prerogative. But there is another kind of titles—indeed they are not, properly so called, titles, though considered so in common parlance, and are rather the designation of offices which some particular individuals hold—and such titles or appellations can only be derived from those who have the power to appoint to such offices. Such is the case with the titles of bishops of the Roman Catholic Church in this country. I apprehend that "bishop" does not strictly come under the designation of a title, though the temporal incidents of a bishopric give a different character to the right rev. prelates opposite; but the Roman Catholic bishops stand in a totally distinct position to the bishops of our own Church. The Queen cannot appoint them. How, then, has Her prerogative been invaded? I cannot see that the assumption of a title which is not recognised by law, can be considered an infringement of a prerogative which has no power to confer such titles, though it may be open to other as grave objections. There are the Scotch bishops, who stand precisely in the same position; they are not appointed by the Queen; they have no real authority for their position in Scotland—yet there is a clause in this Bill by which the bishops of Scotland are exempted from the operation of it. This is decidedly an admission of the spiritual character of these appointments; and though while others are placed in a position which I do not think they ought to be placed in, I rejoice that the Scotch bishops are to be exempted, yet I must say that I look upon that clause as a self-stultification of the whole Bill.

It is said by the noble Marquess (the Marquess of Lansdowne) "We do not deal by this Bill with the Roman Catholic subjects of Her Majesty, but with a foreign Power." I can find nothing in this Bill dealing with any foreign Power; but I find it inflicting penalties, and dealing in a harsh and unjust manner with the Roman Catholic subjects of Her Majesty. It is true, that by one clause you legislate against bulls; and I may be permitted to read what, in 1846, was the opinion of the noble Lord at the head of the Government upon this point. He said, "There are certain bulls of the Pope which are absolutely necessary for the appointment of bishops and pastors belonging to the Roman Catholic Church. It would be quite impossible to prevent the introduction of such bulls." Now, my Lords, although the noble Lord has, in all probability, changed his mind since then, and thinks he can now legislate against and prevent that which he said it was impossible to obviate in 1846, I cannot but think that this attempt does not justify the noble Marquess in stating that it was intended to deal with a foreign Power alone. But the preamble of the Bill goes very much further than the mere prohibition of bulls, and I think, after the speech of the noble Marquess last night, that that preamble does revivify and bring into full force and effect the Act of Richard II. This is a very serious view of the case, and one which has not attracted that attention in the other House of Parliament which it deserves; for even many of your Lordships who support this Bill will not be prepared for what I believe will be its necessary consequence. What were the laws under which Lalor was prosecuted—those old laws which, until now, were believed to be extinct, under which many eminent lawyers have expressed their opinion that no prosecution could take place, but which you are now prepared to revivify and give effect to? These laws do not relate to titles, but to something more substantial—to all jurisdiction whatsoever. Our ancestors had a definite object to pursue; but that object was not the object of the noble Marquess, or any of your Lordships. Our ancestors took care to put an effectual gag upon those mouths which they wanted to stop. But will their provisions, if revived, deal with the Roman Catholics alone? I believe not. I run a risk in hazarding a legal opinion in the presence of so many noble Lords learned in the law, but I submit it to the noble and learned Lord on the woolsack whether the effect of revivifying those laws will not be to enable, not merely the purposes for which they are re-enacted to be carried into effect, but also the purposes for which they were originally enacted? If such is the case, then the Dissenters, and amongst them that respectable and excellent body the Wesleyans, who have approached your table with so many petitions in favour of this Bill, may dread the future effect of the provisions of the measure; and even in these days, as in days gone by, the Puritans may tremble at the expectation of some fresh persecution which may arise by the resuscitation of these laws. And yet with such prospects before him the noble Duke (the Duke of Argyll) who spoke so ably last night, asserted that this Bill was only an extension of the 24th clause of the Emancipation Act. So far from that, it is making invalid that which, by implication at least, was made lawful by the Act of 1829, for that Act was silent as to all titles except those belonging to prelates of the Established Church, and it is reviving the old statutes which had become obsolete, to the prejudice not merely of Roman Catholics, but of other classes of Dissenters. To return for a moment to the observations of the noble Marquess, as to the dealing with a foreign Power, in what capacity has the Pope of Rome sent this Rescript of which you complain, and of which I complain so far as the tone of it is concerned? Not in his capacity of Sovereign of the Roman States, but as the head of the Roman Catholic Church all over the world. Does the noble Marquess mean to say that, two years ago, when the Pope was exiled from his country, when he was no longer a sovereign Power, if he had then sent his Rescript to this country, he would have tolerated it? That is a simple mode of settling the question—if he would not, then his argument entirely fails him—it is with the head of the Roman Catholic Church, and not with a foreign temporal sovereign, that we have to deal. So much has been said upon the subject of concordats, that I will not do more than allude to the question. That, it appears to me, speaking without reference to the objections which are raised against such a measure, would be the obvious remedy for many of the existing evils. But when you speak of concordats existing in other countries, so far as I am aware, nothing more is assumed in any of them than the power of consent, or veto, to the arrangements proposed from time to time by the Pope; in no country has there been exercised a power of positive and general prohibition such as is to be enforced by this measure before us. The prohibition of this act of a foreign Power, as you are please to designate it, cuts at the root of all toleration for the Roman Catholic religion, for if you forbid the Roman Catholics to communicate with the Pope, you interdict the free exercise of their religion. The priests of the Roman Catholic Church are appointed indirectly, and the clergy of a superior order, directly, by the Pope: no one can receive the power to perform the functions of that religion except through the medium of the Papal authority; so that the whole fabric of that Church in this country must fall to pieces if this enactment can be carried into effect. I can indeed conceive no greater absurdity than that you should ignore, as we do in this country, a spiritual power altogether, and yet claim the right of limiting the exercise of that spiritual authority. But we are told that this is not an act of spiritual but of a temporal authority. Then, if it is, I say the Bill is much too weak for its object; but I deny altogether that any proof has been given that this act of the Pope is of a temporal character; it is one of the many vague assertions which we have heard for the last six months, and I will, therefore, pursue this part of the case no further.

I gather from the speech of one noble Lord that he considers — and if he does he is not singular, for the noble Lord at the head of the Government based one of his main arguments in support of the Bill as it stood before the introduction of the alterations upon the supposition—that there are many Roman Catholics in this country who call for the protection of the Legislature. The noble Lord opposite participates in that opinion, and thinks the Legislature may be rightly called upon to pass this Act as a protective measure to Her Majesty's Roman Catholic subjects. I think that with that we have nothing to do. There would be an end to all religious freedom if Parliament were to be called upon to interfere in matters of this kind. Is not the connexion between the Roman Catholics and the Pope entirely a voluntary arrangement between the parties? To propose, then, to interfere by an Act of the Legislature to protect a certain class of religionists from the exercise of authority by powers to which they have voluntarily submitted themselves—is an act which, to my mind, would be quite at variance with every principle of religious liberty. It is of course a man's own choice whether he shall profess the Roman Catholic religion or not. In adopting that religion he is no doubt influenced by the same strong religious feeling and conscientious opinion which I hope influence all your Lordships, whatever religious views you may respectively profess; but has he not the power to leave the Roman Catholic Church if he was so disposed? This is not a singular opinion on my part, for within the last few days I have received a copy of the *Declaration of the Roman Catholic Laity of England*, strongly disclaiming any such protection. In that document are these words:—

> "We reject with the utmost scorn and indignation the imputation that we wish for any interference between our revered prelates and ourselves, or require any protection for our rights and property against them and the powers conferred by the hierarchy. We regard every attempt made to represent a penal law against our bishops as a measure passed for our benefit and at our request, as an attack upon our honour. And we make this statement for the express purpose of depriving any person who may again hazard these insinuations (whether he be a professed enemy to our religion, or a secret foe within our own body) of all credit and attention."

I am sorry to detain your Lordships so long, but I do feel strongly upon this measure. I feel that I am one of a small body in this House impressed with strong conscientious convictions as to the impolicy and injustice of such legislation as this, and a deep conviction of the future evils and dangers which will flow from it, and I desire as far as possible to lay before your Lordships the views I entertain upon this subject.

The noble Marquess stated last night that the functions of the Roman Catholic religion have, hitherto, been satisfactorily performed in this country. Well, this may be the opinion of the noble Marquess. It may be my opinion. Until I saw the Rescript which has lately been issued, I was not prepared to express any opinion that the functions of the Roman Catholic Church were not properly performed in this country. But I cannot assume to myself to be a judge upon this question. I maintain that this is not a question for the noble Marquess or myself to exercise any opinion upon; it is solely and entirely for the consideration of the Roman Catholics themselves; and if they think those functions have not been satisfactorily performed, they have a right, so long as they do not infringe on the rights and prerogatives and religious liberty of other parties, to make any alteration in the internal discipline of their Church, which to them may seem most proper. And let me ask, is it a new thing for the Roman Catholics to desire the change from vicars-apostolic to bishops? By no means, on the contrary it is a question which has been long agitated, and agitated too under the conviction that with the system of vicars-apostolic was associated the most despotic form of government which the Roman Catholic Church could exercise; whilst by the introduction of bishops, a fairer, and, if I may use the term, more constitutional form of government would be established. Indeed, there can be no doubt that such must be the case: vicars-apostolic are removable at any moment at the sole will of the Pope; whereas bishops once appointed can only be removed by the process of the canon law for a canonical offence. This difference, moreover, pervades all grades of the Roman Catholic clergy, from the highest to the lowest. I will also remind your Lordships that vicars-apostolic would never have ventured to do what, under the canon law, it is an historical fact that bishops have done; for many of your Lordships must be well acquainted with the fact, that ordinaries before now have rejected bulls issued by the Pope, to which they had valid and strong objections. We are told that we have reason to fear the spread of ultramontane doctrines. I am not going to dispute that point. I see with the greatest regret the spread of these opinions, not merely in England, where they are comparatively harmless, but in other countries, where they may be more hurtful. But if there be cause for alarm, and if the more moderate party in the Church of Rome is losing ground as against the more extreme, let me ask, against which party in that Church is this Bill directed? Is it against that which may be called the English party, or against the Roman party? I think, if there be any truth in history, the Bill is directed, unintentionally of course, but practically against the English party, and not against the Roman party in that Church. My noble Friend (the Earl of Aberdeen), in moving the rejection of this Bill, referred to the opinions and policy of Mr. Pitt, and to what was said or written by Sir John Hippisley on this subject. But my noble Friend did not tell the House that the case does not rest here. The contest has been of a much more important and pronounced character. Ever since the days of Elizabeth up to the passing of the Emancipation Act, a struggle has been going on on the question of episcopacy *versus* vicars-apostolic; between the laity, and the secular clergy of the Church on one side, and the regular clergy and the Jesuits more especially on the other, the latter contending eagerly for the appointment of vicars-apostolic. Then what change has taken place in these latter days? We are told the Roman Catholic Church is unchanged and unchangeable. But I will prove to you that the British Government has always advocated until now the appointment of bishops instead of vicars-apostolic. I hope you will pardon me for reading two sentences from the writings of Butler, showing the respective views of the English Government, and of the Papacy in 1586:—

> "So far from offending Government, it was, throughout the reigns of Elizabeth and James, the wish of all their friends in power, that they should obtain from Rome the appointment of regular bishops in ordinary. It was justly observed that after such bishops are installed in their sees, they are only removable for a canonical crime, and by a canonical proceeding. Such bishops, therefore, might disregard, and even resist with impunity, such illaudable bulls as those of Paul III., of St. Pius V., of Gregory, and of Sextus V., which had so greatly injured the Catholic cause, and guard their flocks against them. In fact, so generally was it understood that the appointment of bishops would be acceptable to Elizabeth and her Ministers, that the Catholic opposers of that measure used this very circumstance as an objection to it, observing that it was impossible to suppose that any plan would be acceptable to their adversaries if they did not foresee that it would essentially prejudice the Catholic religion."

The historians of those times, and for upwards of 100 years afterwards, show strongly that it was so: but without troubling your Lordships with quotations from any of those historians, I come to that very important year, 1681, when the great controversy arose about the oath of allegiance. A very large proportion of the Roman Catholic population and clergy were in favour of that oath, but it was strongly objected to by the Pope, who did everything he could in opposition to it; and the Roman Catholics of 1681 suffered for their loyalty and attachment to the Throne, and their readiness to subscribe the oath of allegiance, the same punishment which you now propose to inflict upon them, the deprivation of the bishoprics which they had so long desired. Berington said—

> "Cardinal Howard writes from Rome, that unless the Roman Catholics of England submit to the Pope, and resist the oath of allegiance, the 'ill impression' at the Court will be such that they will be unable to obtain what they judge most important—the appointment of bishops."

This controversy was not confined to England only, but for many years after the Reformation it was carried on in Scotland by the Roman Catholics of that country, who endeavoured to limit the power of the Pope on the one hand, and to extend the freedom of their Church on the other. The struggle continued throughout the reign of James II. Then at length vicars-apostolic were conceded, and soon afterwards a new phase overspread the religious aspect of the country. New penal laws were passed. Whether any serious attempt was made for many years after this period to get rid of vicars-apostolic, with the view to the introduction of bishops, I am unable to say, until we come to those times referred to last night. I apprehend what would have been the answer of the noble Marquess who moved the second reading, or what will be that of the noble Marquess (the Marquess of Clanricarde) who, I perceive, intends to follow me in the debate. I apprehend he will give the same answer that has been given to a similar statement in the other House of Parliament, that in all those cases which have been referred to, the Government of the country was in favour of the change from the system of vicars-apostolic to that of bishops; but that in the present instance the consent of the Government had not even been asked. I will not disguise that, notwithstanding all impediments to communications between the Court of Rome and Her Majesty's Government, I deeply regret such a communication of the intentions of the Pope was not made. I think it ought to have been made. I think it would have been but right and just to this country to have made it. I think myself that the wisest and the most politic course towards the Roman Catholics themselves in this country would have been that the Pope should have communicated his intentions to our Government; but, as I said before, in answer to the taunt of want of "common civility," I say again, I do not consider, under all the circumstances, that the omission ought to be visited by legislation such as this. I am certainly not in the secrets of the Roman Pontiff; but I think, judging from what has taken place, and considering how the Pope and his advisers are likely to be influenced, that it is most probable that they assumed—and not only is it most probable, but they certainly had a right to assume—that this consent, though not given in form, would be given in substance; that is to say, that these appointments would be allowed to take place *sub silentio* exactly as every other similar appointment had been. Had the Pope and his advisers no grounds for such a supposition? The noble Earl who spoke last night quoted an extract from the speech of Lord John Russell on the 17th of August, 1848. I will not trouble your Lordships by repeating that quotation; but I will read you a few lines from a speech of the noble Lord, on the 13th of February, 1844. The words I am about to quote were uttered in the course of a remarkable speech respecting the establishment of the Roman Catholic religion in Ireland—a speech in which the noble Lord expressly declared that his policy towards Ireland would be to place the Episcopal Church of England in Ireland, the Presbyterian Church in the north of Ireland, and the Roman Catholic Church upon a footing of perfect equality in every respect. The words to which I wish to direct the attention of your Lordships are these:—

> "At all events, I think that we ought to take away everything derogatory to the position and character of the Roman Catholic bishops. You provide by statute that they shall not be allowed to style themselves by the name of the diocese over which they preside. I think that a most foolish prohibition. You declare that Dr. Murray shall not style himself the Catholic Archbishop of Dublin, but he is so, nevertheless, and a man of very high attainments and character in the eyes of the people of Ireland." [3 *Hansard*, lxxii. 720.]

Again, what did the noble Earl the Secretary for the Colonies say? What were his declarations? That noble Earl, in a debate in 1846, distinctly said that he would be satisfied with nothing less, as regarded the Roman Catholic Church, than seeing the Roman Catholic bishops sitting upon the episcopal bench of their Lordships' House, side by side with the right rev. Prelates who now occupied it. Were these no encouragements to the Pope? Had his Holiness no right to assume, after the noble Lord at the head of the Government had expressed such opinions as I have quoted, and the noble Earl the Secretary for the Colonies had said that he would be satisfied with nothing less than that the Roman Catholic bishops should sit side by side with the right rev. Prelates of the Established Church in this House, had the Pope no right to imagine that Government would not have resented so much smaller a measure; or had he the smallest reason to apprehend that the noble Lord would have published that most objectionable and most ill-judged letter, the full evil of which has yet, I fear, to be seen, but when it is seen, will prove the noble Lord to have acted, however unconsciously, as the betrayer, instead of the protector of his trust?

I now come to a point which has been touched on by the noble Marquess the President of the Council, who said that he had no objection to Roman Catholic bishops, but only to their assuming territorial titles, or rather I would call them local designations. I think it will require very few words from me to show your Lordships that a bishop exercising episcopal jurisdiction in any district, must be known in some form or other by the name of some part of that district. A bishop must have some *locus in quo*. We have now, or within a few days we have had, in this country, the Bishops of Gibraltar and

Bombay. They of course retain their dignity as bishops, though away from their dioceses; but in this country they have no episcopal jurisdiction. The noble Marquess himself, in the course of his observations last night, designated another right rev. Prelate as Bishop of Jerusalem, though no doubt he at the same time told your Lordships that the Government had studiously avoided assigning a district to the Bishop of Jerusalem. But, by using the phrase, "Bishop of Jerusalem," the noble Marquess had himself shown how utterly impossible it was to define the bishop whom he thus designated in any other way, because he would doubtless, in dealing with this case, have adopted a phrase more agreeable to his argument, if he had known how to do it. The late Bishop of Jerusalem was in the habit of signing himself with his Christian name, and the addition of "Hierosol:" Whether the present bishop perseveres in the practice, I cannot recollect. The fact is, that it is almost impossible to designate a bishop possessing episcopal jurisdiction over a certain district, without giving him the title of some place in his diocese; and according to the earliest Church history, the course has been to designate bishops by the name of the principal town or seat in the diocese over which they preside. I need not refer to the times of the Bishop of Antioch, of Alexandria, or of Ephesus; but to come to more modern examples, what was the origin of the clause in the Dublin Cemeteries Act? I do not press this as a proof of the legality of these titles, or their recognition by the Legislature; but merely for the purposes of my present argument. Will any one believe that the words "Roman Catholic Archbishop of Dublin" were introduced into that Act from oversight, or from any other motive than the impossibility, without most ridiculous circumlocution and danger of misconception and misunderstanding, of otherwise designating the Roman Catholic Archbishop presiding over that district? I will not press this question further, but I apprehend that there is no doubt that not merely the titles objected to by the noble Marquess, but the sees to which he does not object, will be prohibited by this Act; for the words of the preamble say—

> "The attempt to establish, under colour of authority from the See of Rome, or otherwise, such pretended sees, provinces, dioceses, or deaneries, is illegal and void. And whereas it is expedient to prohibit the assumption of such titles in respect of any places within the United Kingdom:—"

And certain penalties are inflicted. I am not going now to discuss what may be the consequence of this legislation as regards the Roman Catholic Church in a spiritual but in a social point of view. An opinion has been expressed in the other House of Parliament by those who are competent to form an accurate judgment—and I can only say in confirmation I have the opinion of a most eminent lawyer, an attached member of the Church of England—that the consequence of passing this Bill in its present form will undoubtedly be to render invalid the appointments of the Roman Catholic archbishops and bishops in Ireland, and their successors, and thus to invalidate not only the ordination of priests, but the marriages which those priests perform. If such will be the result, I confess I cannot contemplate any greater or more vital social evil; and before this debate closes, I think such of your Lordships as are competent to give an opinion on the subject ought distinctly to state what is the real purport and meaning of this Bill, and still more, what is its legal bearing, and what will be the operation of it.

The noble Marquess strongly objected to the recent act of the Pope, on the ground that it was a parcelling out the country into dioceses. If this is an offence, it is not a new one. The country has been again and again parcelled out into districts without objection or remonstrance; and I apprehend no man will attempt to raise any difference between dioceses and districts, so far as this part of the case is concerned. The country was parcelled out into districts for the purposes of vicars-apostolic in the year 1688, and without any remonstrance, or its being imagined there was this great danger which has just been found out. It was parcelled out into four districts, for the purposes of vicars-apostolic, in the year 1688. In 1840 it was again parcelled out into eight districts for vicars-apostolic; and, if you like the use of the words, I will quote them again, and say that it has now been again parcelled out into thirteen districts for bishops, though I believe it is more correct to say, all that was done in 1850 was, that these eight districts of vicars-apostolic were again subdivided into thirteen dioceses for Roman Catholic bishops.

The noble Marquess complains that the Pope has ignored the Anglican Church.

Why, my Lords, of course he has. I have said that so far as ignoring the Government I think he was wrong, and that whatever encouragement he may have received, and whatever circumstances may have taken place, he ought to have made the attempt to obtain the consent of the Government. But the ignoring the Anglican Church is one necessary element of the Roman Catholic religion. How can the Pope recognise the Anglican Church in any way? If the Pope were to recognise the Anglican Church in any way whatever, he would be admitting that his own system is an imposition, and that his own claims to supremacy and the position which he assumes over all Christendom, are a mockery and humbug. He now ignores the Anglican Church. So he did when vicars-apostolic were appointed in 1688. So he did when those districts were subdivided in 1840. So he did when the bishopric of Galway was constituted in Ireland. So he did, and so he has done in fact, on all occasions when he has exercised his functions as head of that Church over which he presides; and if you complain of his having parcelled out the country into districts, how can you overlook similar acts on the part of Protestant Dissenters? for I apprehend the same complaint must be made of every other religious body in the community. The Wesleyans have done so; and when the Free Church of Scotland seceded, they partitioned the whole country into districts, and nobody, so far as I am aware, complained. They regretted the secession, but looked upon the partition as a necessary consequence, and as absolutely essential for the carrying out a religious system.

I have assumed throughout my argument that when passed into law this Act will be carried into effect; and I have assumed this, because, in the first place, it is necessary to show its operation; and, in the second place, because I conceive there can be no more dangerous practice than for the sake of serving some temporary interest, whether it be of a legislative, governmental, or individual character, to pass laws never intended to be carried into effect. If the Bill is not to be enforced, the Legislature ought not to allow itself to be made subservient to the infliction of a wanton insult to the Roman Catholics. If it is to be carried into effect, I cannot but predict the greatest political and social evils. I think it will derogate from those acts which my noble and learned Friend (Lord Lyndhurst) has been the means of passing. I think it will be the cause of offence to the Roman Catholic population, and the means of urging them to adopt views and opinions, and to pursue a line of conduct, which cannot be justified even by this kind of legislation. I think, that whilst it has this effect, it will also have the effect of degrading the dignity of Parliament. A noble Baron who spoke last night (Lord Beaumont) said, that he looked upon the Bill in the light of a protest. It is found very convenient to talk of this Bill as a protest. But who ever heard of a protest made by any individual or body of men, imposing heavy penalties upon their fellow-subjects? Will my noble Friend consent to pay any of the penalties inflicted by this Bill passed to enable him and others to protest against the words of the Pope and Cardinal Wiseman? If he merely wishes to protest, and if this were a mere form of protest, I should be most ready to join him, and I should have been most ready to have joined him at an earlier period of the Session, when a protest would have been possible. But I, for one, will not consent to give my vote in favour of a measure which, in the expectation even of those who pass it, is to remain a dead letter on the Statute-book.

We have been told that we must endeavour to check anything tending to spread ultramontane opinions, and that this Bill will have a chance of effecting that object. Now, on the contrary, I think it will increase the improper influence of the priesthood in temporal affairs. I believe it has already had the effect of producing a combination never before seen between the Roman Catholic clergy and laity in Ireland, not for spiritual but for civil purposes. Instead of acting in a way to produce such results as these, it ought to be the policy of this country to support the Roman Catholic population in the free exercise of their religion, but at the same time to take every legitimate means of detaching them from the overweening influence of the priesthood in secular affairs. I think this Bill, operating on the passions and feelings, common alike to all of us, will have the effect of drawing nearer those who have hitherto stood aloof from the improper exercise of the temporal power of Rome. I do not object under any possible circumstances to interference with that power. I object to any interference with the fullest and freest exercise of religious liberty; but if you will prove to me that an act of the Pope infringes in any respect on social order; that it circumscribes free liberty of the subject; that it threatens to fetter (which no religion has a right to do) the free will and action of any person or any number of persons, either within the pale of his own creed or out of it—I will be as ready as any man, on social grounds, then to interfere. If you show me that religious houses in this country are conducted on a system at variance with the liberty of the subject, or infringing the municipal or civil law of the country, I am perfectly prepared to interfere and to apply a remedy to the evil. But the *onus probandi* rests on those who propose such legislation, and they must first make out a case for interference. Allusion has been made, and more than once, to the Synod of Thurles. We have been told it is necessary to stop such meetings. I deprecate the tone and temper of that meeting as much as anybody. That meeting was certainly diverted from its object, and from its religious character, to a most strenuous opposition of national education. Yet I freely confess, if that meeting had been restricted to the mere denunciation of the Queen's Colleges, I cannot see what right we should have to complain of their conduct more than of that of others who have equally denounced these institutions. It is well known that the hon. Baronet the senior Member for the University of Oxford designated them "godless colleges," and endeavoured to raise the religious animosity of the Protestants against them. I cannot understand on what principle we are to allow him to denounce them in his place in Parliament, and then turn round and say Dr. Cullen shall not denounce them at Thurles. I firmly believe that if these colleges are in danger at all, it is not from meetings at Thurles, it is not from denunciations thundered by Dr. Cullen, but it is from the spirit raised by such legislation as we are now asked to sanction. When the unfortunate letter of the noble Lord at the head of the Government appeared, I believe the Roman Catholic laity of Ireland were prepared to maintain their rights against priestly domination in this matter, and to exercise their privileges as free citizens, for they appreciated these colleges as one of the greatest boons (as in my conscience I believe they are) ever conferred on Ireland. I believe no denunciations from Thurles or elsewhere would have prevented them sending their sons to those institutions, had it not been for the feelings of pride, and, as I consider, false honour, which have been engendered in them by all that has been passing in Parliament this Session. But for these feelings I believe the colleges would now be fulfilling the high destiny for which they were founded. With reference to legislating on matters of a mixed character, where the spiritual interferes with the temporal, the noble Duke (the Duke of Argyll) alluded last night to the case of a poor man who had been excommunicated by a Catholic priest, in the north of Ireland, for no offence whatever, or at any rate for no spiritual offence. My noble Friend stated that the same arguments were used by the counsel for the priest in that case which have been used by noble Lords on this side of the House, and by others, in opposition to this Bill. I listened, therefore, very attentively to see how my noble Friend was about to conclude his narrative, and support his own views; but, to my surprise, the very case which was to support his argument proved that the existing law was sufficient for the purpose, for he told us that, notwithstanding these arguments of the counsel, the jury found a verdict for the plaintiff with 70*l.* damages. Here, however, you have a special Bill introduced to meet the case of an act which is not a temporal offence at all; and so far as the case referred to was made out by the noble Duke, it fortifies the position for which I contend; and I must moreover remind him that similar acts of excommunication have taken place in Scotland, though you have a special saving-clause for the Scotch bishops.

I think that some of your Lordships, in the course of yesterday evening's debate, asked what we should do, if we reject this Bill? I must remind your Lordships in passing, that this Bill has been before the Legislature of this country for five months, and what might have been advisable five months ago may be impossible now. Notwithstanding the arguments of my noble and learned Friend who spoke this evening—assuming the correctness of his law, which I really feel it would be treason in me to doubt—I cannot imagine what can be the breach of international law which he distinctly stated had been committed by the recent act of the Pope, and consequently every similar act for years past; but if such a breach of international law has been committed, I cannot but think that the plain and obvious course would have been to use those means which are open to all Governments to obtain redress, namely, through the medium of diplomatic intercourse. I think that such a step would not have been prevented by the Act of 1848, because, although a nuncio from the Pope could not, under the provisions of that Act, be received in this country, there is nothing to prevent our sending an ambassador to Rome, and obtaining that redress which the necessity of the case requires. I have said, however, before, that I think there was nothing in the act of the Pope to be complained of, save and except the language of the Rescript, and that no previous communication was made to the Government of this country. But though the tone of the Rescript itself was not agreeable to the feelings of the people of this country, and ought to have been avoided, it might be said that it was drawn up in the accustomed form. That excuse, however, will not apply to the language of Cardinal Wiseman: he is a British subject, and knowing well the religious feelings and prejudices of the national sentiment, the language of his pastoral letter was much more reprehensible, and he ought to have framed that document in terms which would have been equally well calculated to effect every legitimate object which he had in view, and less likely to engender those feelings of irritation which have been excited. Well, then, if this were the real offence—if insolence be the gravamen of the charge against the Pope and his Cardinal—what should have been done five months ago? It seems to me that at the meeting of Parliament it would have been amply sufficient, under these circumstances, if Parliament had stated, either by a Resolution or by an Address to the Crown, the deliberate views and opinions of the Legislature, and had declared—for this would have been the main and important element in the proceeding — the strong attachment of this country to the Protestant religion—thus undeceiving the Pope and others—if they were deceived, as has been stated by noble Lords in the course of the debate; and confirming by its solemn sanction the generally-expressed will of the people to maintain their independence of the See of Rome, and support the reformed religion of the country. For this purpose a Resolution or Address to the Crown would have been sufficient; and it is my firm belief that you would have obtained the only great object which you have a right to aim at, by securing the sanction of the three branches of the Legislature to the determined protest which had already been made by the country at large. At the same time I think, now that all this bitterness of feeling has been aroused, now that we have wasted the whole Session by the postponement of every great and important measure to this small and miserable Bill—miserable whether I look at it in regard to its capacity for good, or its power to prevent evil—I say even now it would be far better to reject the Bill altogether than to pass it, even though the necessary consequence would be that at this period of the Session, and so long after this "aggression" had been committed, nothing else could be done.

My Lords, I must again apologise for having trespassed so largely upon your Lordships' time. I am aware that my position in this House does not justify my doing so, and on any other occasion I should not have attempted it. But, my Lords, I feel that this is a step which no man ought to take without the clearest convictions of its necessity. Disguise it as you will, this is a step backwards in the course of legislation which you have pursued for many years past. You are reverting to penal legislation. This is but the small end of the wedge, and though the present occupants of the Treasury bench may not seek to drive it further, they may be succeeded by others, who, forced onwards by the same influences to which they have yielded, may feel themselves compelled to do so. There would then arise, nay I fear there will even now arise, such a state of things as existed previously to the passing of the Emancipation Act, and Parliament will be compelled to retrace its steps, but not without shame and ignominy. My Lords, I shall record my vote against the second reading of this Bill, knowing, at the same time, that I shall be in a comparatively small minority, but as a protest on my part against this kind of legislation. I am convinced that if our opposition could be effectual, it would tend to promote the religious peace of this country, and that the rejection of this Bill would be more conducive to the interests of that Church of which the Members of the right reverend Bench are the recognised protectors in this House, than any course of legislation which seeks to raise barriers against religious aggression, and which will leave behind it impressions of bitterness and disaffection on both sides of the Channel, more especially in Ireland, to which I, for one, cannot look forward without the greatest pain and anxiety.

The MARQUESS of CLANRICARDE said, that he so far agreed with the noble Duke who had just sat down, as to look upon this measure as one of very grave importance. He would not venture to say one word on the law of the case, after the clear and juridical speech delivered by the noble and learned Lord, with all the authority which belonged to his position. He would, therefore, address himself at once to the arguments which had been used by the noble Earl opposite, and the noble Duke who had just resumed his seat, in favour of the Amendment. The noble Duke had argued in favour of a mere Parliamentary protest. If, however, the Pope or any of his advisers were to hear of an attempt to defeat their measures by a Parliamentary protest, they would have a very humble opinion of the sagacity of the Parliament of this country. Was he to be told that Parliament was to sit idle, when he saw not only the mobs in the streets, but the most influential corporations in the country, as well as the most learned bodies in the kingdom, coming forward with addresses to the Crown? Was it to be supposed that at such a time the Government had any option to remain quiet? The noble Duke had used an argument that appeared to him singular, for the noble Duke had said that the Pope had made no attack on the Royal supremacy, because the Pope's act was not recognised by law; now he (the Marquess of Clanricarde) could not understand how such an attack could be made at all, if the attack must be a legal attack. As to its being merely a question about titles, there was no objection to a person calling himself bishop of the Church of Rome; but it was a very different thing, against which serious objections might exist, if he were to call himself a bishop of a part of England without the consent of the Sovereign. It was urged that Roman Catholic bishops were not treated as bishops of the Episcopal Church of Scotland were treated, nor like the Wesleyan Methodists. But was there any parallel between the two cases, or any similitude between the communities referred to and the Church of Rome? Were their Lordships to ignore all history? The noble Duke had talked of the contest which had been going on for 300 years about vicars-apostolic and their authority, and yet he had not referred to the contests which had been constantly carried on during the same period between the Governments of all Europe and the Pope. The noble Duke said that the Government of this country had encouraged the Pope to take the step which he had done by the liberality and generosity of their measures; but he (the Marquess of Clanricarde) totally denied the force of that argument. The inference which he drew from it was precisely the reverse of that which the noble Duke deduced. Was there any ground for committing an act of aggression against a Government which had shown a disposition in every way to protect the Roman Catholics, and to give them all the religious liberty which they could desire? He really thought that the points which had been so much insisted upon, namely, whether bishops or vicars-apostolic were the best persons to administer the religious affairs of Roman Catholics, and whether we should open a communication with the Pope, afforded much too narrow a view of this question. It was impossible not to recollect, when this Rescript came into the country, what were the circumstances of the continent of Europe, and of this kingdom. Their Lordships knew that attempts had been made all over the continent of Europe to advance the Papal power and authority. If their Lordships wanted to see what steps were taken by the Papal Government to extend its influence and authority, and what were the objects for which that authority would be exercised, he recommended them to read the concordat which had been lately made between the Court of Rome and Spain. Let them look also to what had been attempted in Belgium, and done in Austria, upon the subject of education. Was it possible, then, to suppose that the state of foreign affairs was left out of view by the Pope when this Rescript was written? They knew very well that the Court of Rome had always two modes of aggression, and one of those modes was, when she had an object to effect in one place, to introduce discord and fermentation elsewhere. That was what had been done by that Court for the last two years. Let their Lordships look at what was done by the Synod of Thurles. The noble Duke had argued that the Pope's interference was confined to spiritual matters; but the Court of Rome set aside the clergyman recommended to a Roman Catholic archbishopric by the clergy of Ireland, and sent in their place a clergyman who for many years had not been connected with the country. What was the consequence? Under the direction of that Prelate the institutions which had been accepted with gratitude by the Irish Roman Catholic prelates were assailed, and this was done just before the aggression now under consideration took place. Were their Lordships then to be told that a Parliamentary protest would be sufficient to meet that aggression? He, for his part, thought that something more was wanted. He did not wish, however, that the Government should take one step further than was necessary for the exigencies of the case, or do more than prevent the exercise of the right which had been improperly assumed. He regretted, therefore, to see that an Amendment had been introduced into the Bill; but it was the House of Commons, and not the Government, who were responsible for that Amendment. The question for their Lordships to decide was, whether, looking at all the circumstances of the case, they would accept this Bill, so amended, as it was called — so injuriously altered, as he should say—or reject it, and throw it out altogether. That was the question before the House; and, looking at all the circumstances under which the Bill came before them, he would take it as it stood. The noble Duke (the Duke of Newcastle) on the cross benches had said they might as well pass a Bill for preventing the free exercise of the Roman Catholic religion in Ireland as this; but the noble Duke seemed to forget that all it effected was to enforce the provisions of the Relief Act. Dr. Murray had been alluded to: now, he (the Marquess of Clanricarde) must say that a more learned, a more worthy, or distinguished Christian, did not live. But Archbishop Murray never called himself Archbishop of Dublin. Some said that he executed all his functions as Archbishop of Dublin; but he defied any noble Lord to point out a single case in which such a title as Roman Catholic Archbishop of Dublin had been admitted by any Irish court of justice. That the *de facto* nomination of priests by such a functionary had been recognised, he admitted; but no bull or rescript under which such title was conferred, had ever been recognised as a valid instrument. The noble Earl (the Earl of Aberdeen) had stated, on the previous night—

> "So long ago as under the Government of Mr. Pitt, this change from vicars-apostolic to bishops was desired by the Government of this country. Sir J. Hippisley, who was empowered to negotiate this matter between the Court of Rome and this country, said, in 1812, in a speech in the House of Commons—'That he obtained from Pope Pius VI., as well as from his principal ministers, a declaration that such a reform would be granted whenever it should be desired by our Government.' This was in 1794. Mr. Pitt's Government thought it wise to have no direct communication with the Court of Rome, and he did not ask for this change; but that it was desired by him, and by the Government of that day, was attested by the frequent speeches of Sir J. C. Hippisley."—Page 1079–80.

But all this of Sir J. C. Hippisley and Mr. Pitt referred not to an act of aggression like the present, but to the question of giving the Crown of England a veto upon the appointment of Roman Catholic bishops; so that, in fact, no Roman Catholic bishop could be appointed without the consent of the Government. The noble Marquess then read an extract from a book (*Butler's History*) written by a member of the Roman Catholic Church, in which it was stated that in 1799 a meeting of Irish Roman Catholic prelates was held, who resolved that the Crown, in order to secure the loyalty of the hierarchy, ought to have a veto upon the appointment of bishops, and that as vacant sees occurred, they ought to be filled up by men approved by the Crown, and by none other. In 1810 Mr. Ponsonby read in the House of Commons a communication from Dr. Milner, in which it was stated that the Catholic prelates of Ireland were willing to give a direct negative to the Government upon the appointment of bishops; in case the first name was not approved of, to continue to present the names of persons to fill the vacant sees until the Government ratified the choice of one so presented. But the question their Lordships were now considering was of a totally different nature; it was not respecting the propriety of conferring on the Crown a power to veto Roman Catholic bishops, but to declare territorial titles assumed without the consent and in direct violation of the rights of the Crown, invalid. He would be sorry if this Bill should in any way prevent the free exercise of the Catholic religion: had he thought it would have that effect, he would not have joined his Colleagues in introducing it. When it was said this measure would affect the loyalty of the Catholics, he must say that he altogether rejected that supposition as monstrous and absurd. He believed that this law would be obeyed, and that the

Roman Catholics would continue to be steadfast in the loyalty which they had always evinced. He looked back to history, and he found that the Catholics had been loyal when they had not, as now, a paternal Government. Our Roman Catholic fellow-subjects had now everything they could desire consistently with loyalty to their Sovereign. When the honour and rights of the Crown were invaded in former times, the Roman Catholics had not the privileges which they enjoyed now, and yet their Lordships well knew that in the most troubled and critical times the Roman Catholics had exerted themselves loyally and effectually to maintain the independence of this country against foreign aggression. He believed very many of the Roman Catholics did not approve of this aggression; indeed it was well known that many, and distinguished, members of that body did not approve of it, and he felt certain that no good and loyal Englishman, be he Catholic or Protestant, would have advised the Pope to commit such an act. He knew pernicious doctrines were abroad; but he also knew that, in spite of these doctrines, information had spread, and intelligence had been widely diffused. When he referred to the great excitement which had prevailed throughout the country upon this subject, the existence of which he regretted on many accounts, he felt bound to say that it was the Pope who was responsible for it, and not the Protestants, who had merely expressed their indignation at this proceeding of the Court of Rome. He much regretted the step taken by Cardinal Wiseman. It had been asserted that the Cardinal had no means of communicating with the Government; but that was not so. He had abundant opportunities, and had even had an interview with his noble Friend at the head of the Government immediately before he set out for Rome. The requirements of the Roman Catholic religion did not demand the establishment of this hierarchy, although perhaps it might be thought to be a convenient instrument for promoting the views of the See of Rome. The noble Duke who had just sat down admitted that the manner in which the Pope had committed those acts was ungracious and insulting, but he ridiculed the necessity of legislating against wounded feelings; but, after all, feelings were realities in such matters, and whether they looked to nations in the aggregate, or to mankind individually, it would be found that nothing had a more material influence upon the destiny of our race than matters affecting their feelings. He looked upon the insult on the part of the Pope as gross and gratuitous, and though he wished the clause relating to informers was not in the Bill, he would unhesitatingly give his vote for the second reading.

Lord MONTEAGLE said, that he had listened with the greatest attention to the speech of the noble Marquess (Lord Clanricarde) who had just sat down, who, from his high position in Her Majesty's service, his knowledge of Ireland, and his connection with that country by birth and station, deserved to be heard with peculiar attention on the present subject. But the noble Marquess had disappointed his expectations, for he had failed to show them what good results this Bill was to effect; he had also failed to show whether its operation would be the same in both parts of the United Kingdom. The noble Marquess had referred to the speech of his noble and learned Friend (Lord Lyndhurst), and had prudently relied upon the clear and brilliant statement made by that noble and learned Lord with respect to the common law of England; but he had not been able to extract from the eloquent statement of that learned person any definite exposition of the future operation of this particular Bill. Neither had the noble Marquess opposite (the Marquess of Lansdowne), whose *mitis sapientia* so justly recommended him to the respect and confidence of their Lordships and of the country, entered into any explanation of the practical working of the measure; nor had he derived from the acuteness of the noble Lords who had followed him in support of the Bill, any more satisfactory information as to what it was and what it was not, and what would be its practical consequences. This surely was a most unusual circumstance in relation to a penal measure bearing upon the social condition of at least one great portion of the State. This Bill was, in fact, a severe penal measure, founded on religious distinctions. It was a measure which should be watched with a jealous and scrutinising eye; and which would be so watched by those whose dearest interests were at stake. He entreated the attention of the noble Lord on the woolsack to his question; and he called on him to explain what the operation of this measure would be on the ancient Roman Catholic hierarchy of Ireland, and what its operation in relation to those who were termed the intruders into pretended sees in England—he asked how it would operate on the one side of the Channel and on the other—he asked whether the law would be practically the same in both countries, and, if not, what the distinction would be. Assuming that the Pope had done a wrong, the House should remember that by this Bill they were not punishing the Pope, but their own fellow-subjects, wholly innocent of the imputed offence. Of all blunders it surely was the most strange to complain of the Pope's aggression, and to punish those who are not aggressors: to punish men, who, like the noble Lord near him (Lord Vaux), had been guilty of no offence whatever. A more complete Irish blunder had never been committed, in resistance to a Papal bull. But the Bill was more than a blunder —it was a complication of blunders and of injustice, to which it would not be easy to find a parallel. That any foreign potentate, whether the Pope or any other sovereign, should pretend to interfere in the internal affairs of this country, in a manner unauthorised by the common law of Europe, was an act which he was not there to defend. But what then? Because the interference of Parliament was called for, did it follow he was obliged to accept the present Bill as the means of settling the question? Just as well, if he were in sickness, might he be called on to take the first medicine prescribed for him by the most arrant quack. A more precious piece of quackery, a more complete piece of delusion, after all the excitement that had taken place, had never been presented to Parliament than the Bill now in question. In dealing with any religious interest it was the duty of statesmen to avoid all causes of irritation and excitement. But if unhappily compelled to irritate, let them do so only for the purpose of gaining some real security; let not their Act be at once active and efficient for evil, and powerless for good. Would the Bill be enforced? Did they believe it? Did they wish it? Let them see what had taken place recently in the case of the creation of a Bishop of Ross. Had Government instituted a prosecution? Had any address been moved against them for not so doing? Had a question been asked in Parliament of the Government respecting that nomination? No, nothing of the kind. Again, when Archbishop M'Hale—for Archbishop he legally was, though Bishop of Tuam he legally was not —had affixed the style of "Tuam" to certain documents, Lord Melbourne, then Prime Minister, was asked distinctly whether he was prepared to institute a prosecution; and Lord Melbourne, after having taken the opinion of his Colleagues, stated, in his place in Parliament, that it was the united opinion of the Cabinet that no prosecution should be instituted. And had any objection been made to this prudent caution by the noble Lords (the Marquess of Lansdowne and Earl Grey) at the time? On the contrary, they were parties to the declaration. Again; the House had been long aware that religious orders were increasing in England and in Ireland, notwithstanding the prohibitions of the Emancipation Act; but none of those noble Lords, nor had Lord John Russell, ever proposed enforcing the prohibitions of the Act of 1829 against the regular clergy. It was not inactivity, but a wise forbearance, which had led to that course. They had not prosecuted, because it would not have been wise or expedient to prosecute. It would be the same with respect to the present measure. What motive could there be found to carry on a prosecution under this Bill, which did not apply to prosecutions which might have been instituted under the previous law? What reason was there for supposing that the present Government should venture to act otherwise than they had hitherto done, or that any Government that might succeed them would be more ready to institute proceedings under this Act, than preceding Governments had heretofore been? The noble and learned Lord (Lord Lyndhurst), who had spoken that night with his old vigour and power, and with the full possession of his brilliant powers — which might he long enjoy!—seemed to have recovered also all his old hatreds:

> "On revient toujours
> A ses premiers amours,"

was the French couplet. But the noble Lord's version was different. The noble and learned Lord had returned not to his early loves, but to his early animosity. He had that night displayed the same indomitable eloquence, but the same unenviable bitterness which he (Lord Monteagle) remembered to have heard in the other House so powerfully exerted against the admission of Roman Catholics into Parliament, till a change came over the spirit of his opinion with a change of Administration, when that noble and learned Lord's voice, not dying away in silence, was exercised with equal eloquence on the other side of the question. But the noble and learned Lord had that night said that the reason why the clause of the Relief Act was not put into operation, was the negligence of the Attorney Generals. The fact, however, was, there was no negligence: it was a politic forbearance—it was justifiable, because it was not thought wise to commence such prosecutions; and what reason was there to suppose that the same reasons would not now prescribe similar forbearance to the present and to future Attorney Generals, even under the more stringent enactments of the present measure? But who was it that thus blamed Attorney Generals for their remissness? Why, the very statesman who had been for years Lord Chancellor, and who, as such, could have ordered a prosecution. He did not do so. He blames the inactivity for which he is himself responsible. But he must now beg leave to refer to the circumstances under which the original prohibition to assume certain ecclesiastical titles had been introduced into the Act of 1829. Unless these circumstances were carefully considered, much misapprehension must mix itself up in the present discussion. When the 24th section of the Relief Bill prohibiting the assumption of the titles of existing sees came under discussion, this whole subject was most carefully considered. On the 8th of April, 1829, a noble Lord, whom he might name in his absence, the Earl of Mountcashel, and who from his conduct on that occasion might claim to share with Her Majesty's Ministers the honour of paternity to the present Bill, dissatisfied with the leniency of Sir Robert Peel's clauses, proposed to augment their stringency. The late Earl of Malmesbury, who had been a determined opponent to emancipation, observed, in reply—

> "I by no means intend to support this Amendment; so far from it, that, if it is moved to strike out this clause altogether, that shall have my support. I have opposed Catholic Emancipation on principle; but that question being at rest, I wish to see the principle that is adopted carried into effect without any restriction. Your proposed object being to promote peace, you ought to put an end to all differences and all distinctions. These clauses, which you call securities, are all a mere joke, a complete farce: they are worse than that, too, for they will tend to keep alive that irritability and discontent which you wish to do away with. I presume the clause is introduced to satisfy persons who attach importance to the assumption of these titles. I confess I think it a very harmless matter." [See 2 *Hansard*, xxi. 560.]

Little did Lord Malmesbury suspect that what he had designated as a "joke and a farce" would have been converted into the form of a severe penal Act like the present, or that acts which he described as "harmless matters" should have occupied the attention of Parliament a whole Session! He (Lord Monteagle) left their Lordships to judge whether Lord Malmesbury's description was not the correct one. But what said the illustrious and gallant Duke who had charge of the Bill? Did he in 1829, any more than his colleague Sir R. Peel, set any great store on these clauses? On the contrary. "I admit," he observed,

> —"that the clause is no security at all. At the same time it gives satisfaction to the United Church of England and Ireland. I am aware that there is nothing in the clause that adds strength to the Church; but I am also aware that it gives satisfaction to many men."—[*Ibid.*]

Yet some among their Lordships and elsewhere have been taught to consider the assumption of these titles as endangering the Queen's supremacy, and as inconsistent with the independence of the empire! Was the noble and gallant Duke right? and if he was right then, can we now believe that any security will be given to our Church by the revival of those religious animosities which the penalties and restrictions of the present Bill were calculated to engender? But he had another authority to cite. The late Lord Redesdale was not more known as a learned judge, than as an uncompromising Protestant. He, too, had been Lord Chancellor of Ireland, and must be presumed to have been familiar with the law and usage of the country. Did he defend the prohibitions? The very reverse. He observes—

> "There is one difficulty in the clause, which I cannot see my way through. I do not know how these persons, who have long been called My Lord Bishop of Dublin, or My Lord Bishop of Kildare, and who have been thus recognised for years, can divest themselves of these titles, or act efficiently in their clerical capacity without describing themselves in that manner. If these persons exercise power, they must exercise it in that way."

Lord Redesdale did not ask for any increased severity of law; he did not rely on the 16 Richard II., or seek to revive Lalor's case. On the contrary, perceiving that an adherence to the law would be inconsistent with the duties of the Roman Catholic bishops, he most wisely concluded, "For my own part, I think the clause will do no good." But, said the noble Marquess opposite (the Marquess of Clanricarde), Archbishop Murray and the other Roman Catholic bishops had never assumed those territorial titles. His noble Friend was entirely in error. The late Lord Farnham, a witness of the most unquestionable Protestant authority, had, as well as Lord Redesdale, stated the very reverse in 1829. Lord Farnham honestly and wisely observed—

> "I object entirely to this clause. I believe that, as to certain ecclesiastical affairs, the Roman Catholic bishops do assume these titles; but I cannot say they do so in any other manner. The clause may be evaded in a hundred ways. The penalty is inflicted on taking the title of any revenue or diocese. There is nothing to prevent them from describing themselves as archbishops or bishops in any diocese."

But the use of these titles, which his noble Friend denies, has been both known and acknowledged in the most formal manner, and on the most solemn occasion. In the years 1824–25, the late Lord Liverpool had been persuaded by Lord Wellesley, then Lord Lieutenant of Ireland, to consent to the appointment of Select Committees in both Houses, before whom the most eminent Roman Catholic prelates were examined. The first question put to the late Bishop Doyle was the following:—"You are the Roman Catholic Bishop of Kildare and Leighlin?" The answer given was, "I am." Archbishop Murray was asked—"How many years have you been Roman Catholic Archbishop of Dublin?" Answer: "Since the decease of my predecessor in 1823." Archbishop Kelly was asked—"How many years have you been Roman Catholic Archbishop of Tuam?" Answer: "Since 1815." A still more significant question was put to Bishop Magaurin:—"What counties are under your jurisdiction in your diocese?" He prayed their Lordships to consider the import of those words, "diocese" and "jurisdiction," which were assuredly not used as designating any unlawful act, or any arrogant assumption. This examination was, it is true, before the House of Commons. But the House of Lords was not more scrupulous. Quite the contrary. With more than formal courtesy, the Roman Catholic Primate Curtis was asked—"Have the goodness to state to the Committee what are the different stations in the Roman Catholic Church, in the Province of Armagh, of which you are the head." Answer: "There is the Roman Catholic Archbishop titular Primate; the Bishop of Ardagh, the Bishop of Meath, the Bishop of Clogher, the Bishop of Raphoe, the Bishop of Derry, the Bishop of Down and Connor, and the Bishop of Dromore." No indignation was expressed at this series of ecclesiastical titles, identical as they were with the titles enjoyed by the prelates of the Establishment. No demand for prosecutions, no threat of a præmunire. The legality of the whole was taken for granted, and the witnesses were treated with that courtesy and respect which they were sure to meet with from all Members of the House of Lords, whatever might be their opinions political and religious. If these precedents are rejected, as being antecedent to the prohibitory clause of the Relief Act, and if the observations of Lord Malmesbury, Lord Redesdale and Lord Farnham are set aside, as being only remarks made by individual Peers; he must, however, remind them, that all this took place when Parliament was exclusively Protestant, and yet no Address had been moved praying the Crown to direct the Attorney General to prosecute these prelates for so describing themselves. It was with a full knowledge of these facts that the Relief Act was passed. It is true that a penalty of 100*l.* was imposed. But no one dreamt of an enactment like the present, declaring the acts of the bishops, and the instruments of their appointment, to be unlawful and void. That dangerous expedient was reserved for the present time, and for Sir F. Thesiger's Amendment. He was therefore justified in saying that the Bill now before them was not only a departure from the principles of religious liberty, and fraught with injustice, but was manifestly contrary to the spirit, the intention, and the very letter of the Relief Act. But it was urged that the dangers he suggested were imaginary, and that no proceedings against the bishops would be taken, as the Attorney General would not give his consent to prosecute. If that were the case—if the officer of the Crown did not deal with these cases as he dealt with all others of a like character that were brought before him—they were giving the Attorney General the power of making the law instead of administering it; and unless their Lordships were prepared to defend the enforcement of the law when passed, they were not justified in passing it. If it was intended to suspend the law by the prerogative, if that were indeed to be done, he must say a greater juggle, a more barefaced imposture, than this Bill, he never knew. If they were as much in dread of the Pope as was reported out of doors, if they really wished to diminish his power, let them not raise up for him that worst of all pedestals—a pedestal of broken Acts of Parliament. If they passed this Act, and did not put it into execution, they were only giving a new triumph to Cardinal Wiseman. They would find, too, a distinction to arise in the working of the measure from the peculiar circumstances of the two countries, which would involve them in insurmountable difficulties. The late Sidney Smith, on being asked how he would deal with the Roman Catholics of England and Ireland, said, "Be cautious how you proceed—you may dissect a frog, but be cautious how you attempt to anatomise a tiger." He intended no disrespect to either country by the illustration, neither did his late respected friend; but it was suggestive, and pregnant with truth and meaning. He was ready to condemn the presumption of the Rescript in any way their Lordships thought proper; but let them not inflict penalties on their Roman Catholic fellow-subjects; let them not commit the blunder of extending to Ireland a measure which originated only in the aggression made upon England. The titles that were now said to be assumed in Ireland were known and used previously to this alleged aggression; and they had been recognised in the courts of law many years subsequently to the Relief Act. He would give some instances of this, which seemed to him to be conclusive. In 1845 a petition was presented to the Court of Chancery in Ireland on behalf of certain charitable trust estates. This petition was referred not to a Roman Catholic Master, but to a friend and connexion of his own, Master Henn, a gentleman whose learning and orthodoxy were alike undeniable. On the 13th January, 1846, the Master recommended the nomination, as trustees, of eight Protestants and eight Roman Catholics. Among the former was the Rev. Arthur Wynne, the Protestant Vicar of St. Peter's. Among the latter stood the following name, with the following official description:—"The Most Rev. Dr. Croly, Roman Catholic Archbishop and Primate of all Ireland." The report was objected to; it was argued before that eminent lawyer, Sir Edward Sugden, and a motion to vary the report was refused 25th April, 1846. Vacancies in the trustees having subsequently occurred, on the 24th June, 1850, the two vacancies were filled up officially as follows:—"The Most Rev. Paul Cullen, D.D., Roman Catholic Archbishop of Armagh, and Primate of all Ireland, and the Rev. W. Ormsby, Vicar of St. Peter's." Is it not clear that the court considered the first designation to be as free from legal objection as the last? The next case he should cite was equally remarkable. It occurred in 1847, and was in the Rolls Court, before the Irish Master of the Rolls, Mr. T. B. C. Smith. Letters of administration, with the will annexed, had, it appears, been granted (8th May, 1847) by the Most Rev. John George, Lord Archbishop of Armagh, and Primate of all Ireland, to "The Most Rev. John M'Hale, of Tuam, in the county of Galway, Roman Catholic Archbishop of Tuam." An affidavit in the cause was sworn on the 5th July, 1847, before Mr. Edward Litton, Master in Chancery, a strong Protestant. This affidavit was signed "John, Archbishop of Tuam." The case supported by this affidavit was disposed of before the Master of the Rolls; and so far was it from there being any objection to the affidavit, or to the title assumed by the deponent, that the motion against Archbishop M'Hale was refused with costs. He would only trouble the House with one further case—that of the Right Rev. John Cantwell, Roman Catholic Bishop of Meath, Plaintiff, *v.* Bernard Marten, the Commissioner of Charitable Bequests, and the Attorney General, defendants. In this case a reference was made to the Master in Chancery, Mr. Litton, who reported 16th April, 1849:—

> "I find that Elizabeth Marten did bequeath her estate and effects to the plaintiff and his successors, Roman Catholic Bishops of Meath, on trust, to establish an asylum for distressed Roman Catholic clergymen. I find that the plaintiff is entitled, under this will, as Roman Catholic Bishop of Meath, to have the possession of these lands during his lifetime, and while he shall exercise the same spiritual jurisdiction exercised as Roman Catholic bishop in the diocese of Meath, in trust, &c. And on plaintiff's death or translation, such persons, being Roman Catholic bishops, who shall succeed him, exercising the same spiritual jurisdiction in the diocese of Meath as the plaintiff now exercises, will be entitled to possession of the land, &c., in trust," &c.

He would ask how would such cases be dealt with after this Bill became law? But if his noble Friend Lord Clanricarde had not heard sufficient to convince him that the Ecclesiastical Titles, without being ostentatiously proclaimed, had been acknowledged by authorities much higher than those of the Court Circular or a State Master of the Ceremonies, he would intreat him to hear the evidence given against the present Bill by Archbishop Murray, whose truly apostolic character deserved all the encomium that it had received on all sides. That eminent Prelate observes—

> "Our Church is eminently episcopal. Our sacred ministry could not be carried on without priests, and we could have no priests without bishops, and no bishops but through the authority of the Pope. It is his business not only to name our bishops, but to point out the limits within which their jurisdiction is to be circumscribed. The portion of surface which contains the Catholic flock within those limits may be called a district, a see, or a bishopric, and the individual appointed to ordain priests, and to carry on the necessary functions of the ministry therein, may be a vicar-apostolic or a bishop in ordinary, with this difference, that the former is removable at pleasure; the latter is permanent, and therefore one step removed from Papal influence. Except as Archbishop of Dublin, I could not give a parish—I could not ordain one of my own priests—I could not communicate with the Pope—I could not grant letters dismissory, or ordination letters, or letters testimonial."

What then will be the operation of a Bill which declares Archbishop Murray's appointment and all acts and jurisdictions under it unlawful and void? The consequences were what might have been foreseen. Many of their Lordships knew that there was a wide-spread organisation of the whole Roman Catholic body already formed in Great Britain and Ireland for the purpose of protecting their religion; and he would submit to their Lordships, that the Roman Catholics should not be left in a position of thinking they were again called on to struggle for freedom. If it were supposed they were really driven to engage in a contest for religious freedom, they would not struggle alone—they would be supported by public opinion, and by the sympathy and the co-operation of the Protestant community. If their Lordships knew that this law could not be executed—and the history of the past would give them abundant proof of what they must expect to find in the future—he begged their Lordships, by every consideration, by all that was due to their own dignity, by all that was due to the State, by the desire to keep undiminished the force and authority which ought always to accompany the law of the land, not to pass such a measure. If they believed that this measure was just and good, and that if when passed it could and would be enforced, though differing from them in judgment, he would not quarrel with the logic of their determination. He begged them to profit by experience. Measures framed with one intent, when not founded on sound principle, frequently turned against their authors. Of this, the subject under consideration afforded a memorable example. When the Act for restoring Diplomatic Intercourse with Rome was passed, it was unfortunately rendered abortive by a clause carried by a noble Friend of his the Earl of Eglintoun. That clause rendered it unlawful to receive, as an ambassador, any person being in holy orders of the Church of Rome. This clause was prepared either for Protestant dignity or Protestant safety. Their Lordships were then sorely afraid of a priest; the result has been that they have imported a cardinal. They rejected a responsible nuncio; they have to endure an irresponsible legate. The same cause had produced also the letters apostolical now complained of. But for that unfortunate Amendment, we should not have had the aggression of Cardinal Wiseman. It would have been impossible for the Pope to have issued this Rescript without first communicating with the Government of this country, if there had been a Minister representing the Court of Rome in this country, or even if we had a Minister at Rome. He warned the Government, respectfully but earnestly, that, although there was a danger which they might escape in that House by casting the responsibility of Sir F. Thesiger's Amendments on the House of Commons, there was a responsibility which the people of Ireland would not permit them to forget—the responsibility of creating an agitation which would be the more enduring, because, he feared, it would be founded on truth and justice. He therefore implored their Lordships not to pass this Bill.

The LORD CHANCELLOR said, that though the noble Lord found fault with the present measure, yet, although he admitted that something ought to be done, he had not suggested anything in its place; and he was at a loss to understand the charge of the noble Lord as to Ministers shrinking from the responsibility which they ought to have undertaken, for he altogether denied that they had done so. The Government presented the Bill to their Lordships, and recommended their Lordships to pass it, and they considered it a Bill which justified that recommendation. They stated at the same time, "We should have preferred a Bill somewhat different; but it is necessary in our judgment to pass a Bill on the subject. We think this Bill, although not precisely in the shape we should have preferred it, has a tendency to accomplish the object which it is desirable to accomplish, notwithstanding the alterations that have been made." Was there anything unreasonable in that? Did the Government shrink from responsibility because they told their Lordships they did not approve of every line of the Bill, but at the same time, as a whole, they presented it to their Lordships' acceptance? What was the foundation of the imputation of the Government shrinking from responsibility? There was no ground whatever. They were responsible for the advice which they tendered to their Lordships. If this was an improper Bill, they were subject to censure; but if they could satisfy their Lordships that it was a Bill demanded by the interests of the country, one which they felt justified in recommending their Lordships to adopt, what was there inconsistent in their conduct, and how could it be said that they were not properly discharging their duty? Their Lordships were deeply impressed with the difficulty of legislating for Ireland in matters of religion. It was a question encumbered with difficulty: it was a question which had destroyed many Governments, and had embarrassed all. But what was the tendency of the argument of the noble Lord? Were their Lordships prepared to repeal the Act which declared the Church of England and Ireland to be inviolate? If not, were they prepared to support it? There was no other alternative. But if they were not prepared to support it, let not the separation be the result of a struggle. He should be glad to know whether the result of the noble Lord's argument was, "Let the Roman Catholics encroach, or the Pope encroach as much as he shall think fit, let them go from step to step, up to the moment of producing the greatest possible mischief, in the attempt to separate the Church of England and Ireland"—if that was the argument of the noble Lord, there was no stage in which they could venture to interrupt that progress of aggression. It was said, "You dare not enforce this Bill." The same language might be applied to any Bill. Were our Roman Catholic fellow-subjects in Ireland prepared to resist the law which Parliament should adopt? Was that prepared to be announced? How were their Lordships prepared to meet that case? They would not shrink from the question. That this Bill or any Bill would be encumbered with difficulties, was most likely. But the first question for consideration was this—Was it necessary to legislate at all? Noble Lords who entertained the opinion that it was not necessary, were of course justified in condemning the measure as useless. But the noble Lord (Lord Monteagle) did not concur with the noble Earl near him (the Earl of Aberdeen) in thinking this a trifling matter—a matter that could be passed over without notice; and he did not agree that it was not an encroachment upon the prerogatives of Her Majesty and Her rights of the Crown. Then if the aggression was not to be passed over, what would the noble Lord do? What had he suggested? Nothing. He condemned Her Majesty's Ministers' measure in strong terms—he applied hard expressions to the Bill. He stated that the noble Lord who brought forward the measure, seemed more fond of his puny offspring than of his more vigorous measures of former years. The noble Lord also mistook the manner in which his noble and learned Friend described the Bill. His noble and learned Friend had not a mind so constituted as to vote for a Bill which would become inoperative. The very contrary result was to be inferred from his noble and learned Friend's speech. A great deal had been said of the letter of the noble Lord at the head of Her Majesty's Government to the Bishop of Durham; but what would have been the feeling of the country if the noble Lord had not intimated that he considered it a serious matter? The noble Lord had written a letter, expressed in strong terms; and if he had not, what would have been the situation of the Legislature? Strong as were the noble Lord's expressions, they did not come up to the public feeling on the subject. What had been the course of legislation? Ever since the Emancipation Act, the Legislature, anxious to complete toleration, and giving credit to the Catholics for loyalty, had gone on in relieving them from one statute after another, until at last the impression had arisen in the country that Parliament was indifferent to the Church of England; and if it had not been for the spirited letter of the noble Lord, which disabused the public mind, and proved that while the noble Lord was the ardent friend of civil and religious li-

liberty, his past conduct was not the result of indifference to the Church of England—the very Throne would have been shaken. That letter had allayed, it had not excited, public irritation. It showed the country that the matter was in the hands of the Government, and it was owing to that letter that the country was contented with so moderate a measure—it was owing to the confidence reposed in the integrity and good intentions of the noble Lord that their Lordships were discussing a measure so moderate that they were told by some that it was useless, and a dead letter, instead of a more stringent measure forced upon them by the country, on the supposition that the Government were not doing their duty. Had not what had occurred created a necessity for legislation? Look to the past history of the country. There had been a long struggle on the subject of the Catholic emancipation—a struggle which had quite as much of the political as the religious character. And indeed it was because the Roman Catholic religion was allied with absolutism, and had a tendency to tyranny, that most of the penal laws had been originally passed; and they were to be attributed as much to political as religious considerations. As time went on, the political considerations disappeared, and Parliament felt itself at liberty to say that the necessity for laws passed under particular circumstances had ceased to exist. The Legislature had yielded to its feelings of liberality; and believing that the Roman Catholics would be contented with an equality in civil rights, had (forgetful of the character of the Roman Catholic Church) at last relieved them from the penal laws. What had occurred since? Gradual, continual advances. It was not the laity but the clergy of the Roman Catholic Church, who, not content with equality of civil rights, aimed at power and dominion—not for spiritual purposes, but for temporal. And was it not natural that when the Rescript came out, the country, which had long thought Parliament had gone too fast, should have conceived that the mask was now thrown off by the Church of Rome; and that it was intended to establish a hierarchy in England first, and afterwards in Ireland? The step was sneered at as a slight matter. But their Lordships should remember that they had an Established Church in England and Ireland. It had been sought to encumber the subject with the question of the Royal supremacy. When their Lordships got on that question, they would have a long debate before them. He was prepared to state this, that the Queen was supreme in all courts which related to ecclesiastical matters, and that was enough for his purpose. There was an Established Church, and there were ecclesiastical courts connected with it, of which Her Majesty was the head: and this, being a foreign Power, sent a document to this country, treating it, not as having no Church, but as having one which he could sweep away at pleasure, and parcelling out all England into dioceses, and giving it an ecclesiastical establishment and government. Was that consistent with the existence of the Established Church, and with Her Majesty's prerogative in regard to it? The Rescript restored the old government of the Church of Rome; the ancient Roman Catholic hierarchy was restored. And this was called the formal language of such documents. Why, it was the first example, in a country having a Church Establishment of its own, and in which the Roman Catholic religion is only tolerated, of the Pope presuming to re-establish the Roman Catholic Church. But this document declared the Roman Catholic religion to be restored as the religion of this country—that it had come again under the dominion of the Pope—and that all acts were null and void that attempted to interfere with that Rescript. Yet they were told that this act of the Pope was no insult to the country or the Church. Could any one doubt the law? No man could lawfully import any document which should affect the Queen, Her regality, or realm. Now the Queen was head of, and the only authority to constitute, courts of justice, and any attempt to assume that which could only be acquired by the authority of the Crown in respect to jurisdiction was contrary to law. No court could administer justice except under authority from the Queen. One of the counts in the indictment against O'Connell was for establishing courts of arbitration, and attempting to supersede the Queen's courts of justice. Well, here was a regular hierarchy established, in terms the most explicit, with all the jurisdiction incident to it. What authority had the Court of Rome to assume to it that? The noble Duke (the Duke of Newcastle), for whom he had a great respect, had argued that it could not be any legal offence to assume to establish jurisdictions which had no legal power. But that was a perfect fallacy. In Lalor's case, for instance, the defendant was indicted for assuming jurisdiction *in foro conscientiæ;* and although he disclaimed to exercise any power, he was convicted. He was discharged on the admission of his fault, but afterwards relapsed, and was then sentenced. It was said that the statute of Richard II., on which Lalor had been indicted, was an old and obsolete Act. Why, it was notorious that it was unlawful to receive bulls from Rome—that even the Government could not hold communication with Rome. The statute certainly had not been enforced in recent times. But that did not affect the question, for penal laws were not to be put in force on every occasion—that would be gross persecution—they were to be executed when the public interests called for their execution, and not where the acts done were followed by no injurious consequences. Such an occasion arose in Lalor's case; and the present was another, occurring as it did after a long course of constant aggression. It was impossible to pass it by. The opinions of the millions of this country were not to be treated with contempt. Recollecting the excitement caused by the Papal Rescript, let their Lordships conjecture what would have been the feeling of the country if the Government had attempted to pass it by in silence: the country would have resented the insult itself, and Parliament would have lost its confidence if it had not passed some very stringent measure. Then how was it to be met? Some had spoken of negotiation. But all the arguments urged in this debate would have been used against the remonstrances of the Government. A Resolution had been suggested by others; but how such a proceeding would have commanded any respect, he by no means saw: all the ridicule cast on this Bill would have been tenfold greater against proceeding by way of resolution. The Papal Rescript would have been acted upon, notwithstanding the resolution in their books and journals against it; and the country would have said that the Government had misled them by pretending to act by a resolution, and had done nothing. By the Bill, however, the Legislature indicated, determinately, that they did not intend to permit the Roman Catholic religion to advance so as to become dangerous to the Church established, nor so as to create a conflict between the two Churches, and produce a collision and an agitation which would shake the peace of the country. The Pope had sent a Rescript appointing persons to certain situations and offices. The Bill said, " This shall not be done. Parliament will not suffer it. The Rescript shall not be carried into effect." That, at least, was what Parliament said—what it would do was another question. But he contended that, at all events, the Bill was the more direct and dignified course to adopt. It was intimated that the law would be disobeyed. Parliament did not proceed violently; it commenced with moderation, but indicated a determination to enforce obedience, and if this measure were not effective for the purpose, to pass others—

Lord MONTEAGLE: Hear, hear!

The LORD CHANCELLOR: I do not understand the noble Lord's cheer. But, my Lords, I understand this—that if Parliament thinks that the interests of the country demand that a certain course should be pursued, that the assumption of the See of Rome shall be resisted, that Parliament is prepared to do its duty and to enforce its determination.

Lord MONTEAGLE: Hear, hear!

The LORD CHANCELLOR: Does the noble Lord mean that Parliament is not prepared to do its duty, or that it will be difficult to do it?

Lord MONTEAGLE: Hear, hear!

The LORD CHANCELLOR: But does the noble Lord avoid the difficulty? Is it any answer to say that past liberality made legislation difficult? Begin then with mild measures—give warning—indicate a determination—but do not pass the Bill if you meant to shrink from the duty.

Lord MONTEAGLE: Hear, hear!

The LORD CHANCELLOR: Does the noble Lord mean that your Lordships will shrink from your duty? I trust, my Lords, that there is no one else who will entertain the supposition. My Lords, I say the Bill is mild, and that it is so is its merit; but we think it will be enough, unless an impression should be created by what passes in Parliament, that Parliament is not prepared to do its duty. If the Catholic clergy have an impression that the Legislature will not use its power for the protection of the Church of England, your Lordships may expect rapid advances of Romanism; but I hope that the Bill will pass by such a majority as will render innoxious all such cheers as the noble Lord's, which import that Parliament is not prepared to do its duty. If this Bill infringed upon religious liberty, it ought to be viewed with suspicion; but he wanted to know what was religious liberty? Was it (as sometimes was maintained) the right of every Church to develop itself according to its utmost discretion? He denied it. Why, the Inquisition was part of what was involved in the development of the Roman Catholic religion. Persecution was essential to its perfect development. Look to Spain or Rome to see what toleration was! Take our ideas of religious liberty from those who asked it! Rather learn its principles from men like Locke, who laid it down that religious liberty was to be allowed to the extent to which it was consistent with the public safety; but that beyond that it should be restrained. What was this necessity, of course, must be dependent on times and circumstances. But it was a fallacy to treat the question as if it concerned the Roman Catholic religion. It concerned territorial bishoprics. He desired to know what spiritual functions of a bishop could not be performed by bishops *in partibus*, or vicars-apostolic? He ventured to say there was not one. Then the hierarchy could not be required for spiritual purposes. The Rescript did not pretend that this was so. The object was to set up a rival establishment to the Church of England. It was said a vicar in ordinary could not exercise regular episcopal jurisdiction. What then? The only effect was that he could not open episcopal courts, and administer ecclesiastical law. And why should he—seeing that the law of the land did not admit of its being done without the Queen's authority? What was the canon law which was administered in these ecclesiastical courts of the Roman Catholic Church? He would give a specimen or two from that part of it which related to legacies or wills. By the canon law a bishop *de jure* was executor of all pious bequests; and the Council of Trent gave to the bishop the power of changing a testamentary disposition on reasonable cause, and if the matter were doubtful, to refer it to the Pope. If a will was void for informality, it was valid for all legacies to pious uses, and so if the will were void for uncertainty. The will of a minor was also valid by the canon law, if it was for pious uses. If a legacy was bequeathed to a person who was deceased, which according to English law lapsed, that also by the canon law went to the bishop; and, besides affecting property, the canon law would affect questions of marriage and divorce. The canon law was in many cases practically mischievous—it was calculated to lead to conflicts between obedience to the law and obedience to conscience. Do not talk to him of law—give him the conscience of an honest man. What led a man to have any deference for the laws of the State? Conscience; and though he might be told that, if a man was by law told to do that which in his conscience he thought he ought not to do, he must be content to submit to the penalty of the law rather than violate his conscience; still in the case of Catholics the Church had the power of absolving them from disobedience to the law. If the fact, then, was as he had stated, that every spiritual office of the Church could be well administered by a bishop, although not territorial, the sole object of this Rescript was that the Catholic clergy in England should create a power which should increase their influence, which should give them more control, wholly independent of spiritual affairs. There was, therefore, no pretence whatever for saying that this Act would be an invasion of religious liberty, on the ground that the Roman Catholics could not have spiritual services to the full extent without these bishops. He was asked what was the meaning of the Bill? The object of it was to put an end to, in some instances, and to prevent, in all, the assumption of territorial titles in England. But he was told that the subjects of this country, particularly in Ireland, would not obey the law. Well, if this Bill passed, as he trusted it would, in such a manner as to show that Parliament was determined to do its duty, what was to be expected? He was asked, if the law was not obeyed, would it be enforced? That would depend upon circumstances. But he hoped there would be no occasion to have it enforced. However, he trusted that Parliament, by proposing the Bill, indicated that if the Catholic clergy should break the law—if there should be an attempt to rebel, or to raise agitation to offer resistance against the law—he trusted that Parliament would pass proper measures to cause it to be respected. We had given them fair warning; there could be no talk of surprise, or a breach of faith. And was it to be tolerated that a set of men who enjoyed the protection of the country in every respect, who were permitted the free exercise of their religion, and who had full protection for their property, should talk of rebelling against the law? The country was at an end if we were not permitted to vindicate the law

—if we were to have a Government so pusillanimous as not to be ready to maintain the institutions of the country, the law had better remain as it was. He was of opinion, however, that this law should be as moderately exerted as the occasion would admit of. Various objections had been taken to the Bill, but none of them were of any weight. What other course would any one say should be adopted upon this subject? One noble Earl said, "Do nothing at all." Another, who was absent that night, said, "Resolutions;" and another, "An Address to the Pope." He (the Lord Chancellor) held that legislation was necessary, and that that legislation which had been adopted was not inconsistent with religious liberty. If legislation were adopted, it must be enforced, if it were meant to protect the constitution, the country, and the Crown. A charge had been brought against the noble Marquess, that the Government had committed a breach of faith with the House in adopting the subsequent Amendments which had been proposed. But the House of Commons insisted upon those alterations, and they did not make the slightest difference in the effect of the Act. The fault was found with the clause which made the Attorney General the prosecutor. He (the Lord Chancellor) thought it was most proper that, as a public servant, the Attorney General should be called upon to prosecute in such cases, and if he refused to do so, he was accountable to Parliament. A prosecution upon a religious subject, of all others, should be conducted upon the responsibility of Government. The question was, then, did the alteration so far affect the usefulness of the Bill as to render it injudicious in their Lordships to pass it? He contended that it did not. There was, therefore, no ground for alleging that there was any breach of faith on the part of the Government, and he called upon the House, therefore, to give its assent to the second reading of the Bill.

The Earl of ST. GERMANS would not presume to address the House at any length at one o'clock in the morning, more especially as the greater part of his argument had been anticipated. He would confine himself to very narrow limits. He had listened with great attention to the speech of the noble and learned Lord, on the woolsack, with the view of hearing some reply to the observations of the noble Lord who had spoken before him (Lord Monteagle); but he had failed to catch a single syllable which could be considered a satisfactory answer. The speech of the noble and learned Lord was nothing more nor less than a "No-Popery" oration. It was, he thought, a speech better adapted for the meridian of the Mansion House than for their Lordships' House; and he confessed it was a speech which he did not expect to hear from a Whig Lord Chancellor in the year 1851. He would confine himself strictly to the Bill as now before the House. With regard to the alterations made in the Bill, he regretted that those Amendments which the Government themselves disapproved of and adopted, had been proposed by an hon. and learned Friend of his (Sir F. Thesiger) who held the office of Attorney General under the Government of Sir R. Peel, whose every measure was marked by a spirit of conciliation and liberality towards the Roman Catholics. The noble and learned Lord had said that the letter of Lord John Russell had had the effect of allaying the public excitement; and so, in like manner, it might be said that the proposition to trample under foot the Cardinal's hat was calculated to soothe irritation. The noble and learned Lord had discussed the penal laws; but he would appeal to their Lordships whether the loyalty of the Roman Catholics had not been acknowledged in many Acts of Parliament? He had heard with great regret some parts of the speech of the noble Duke at the table (the Duke of Wellington), in which he seemed to think that the great measure in which he had had so large a share had been in some degree unsuccessful in allaying agitation in Ireland; but he begged to observe that the leaders in the recent rebellion—if the transaction could be dignified by such a term—were not Roman Catholics, but Protestants, as in the original rebellion of '98. From the experience which he (the Earl of St. Germans) had had of Ireland, he thought he could safely assert that the effects of that measure were beginning to be felt until this ill-starred measure came in and put a stop to the amalgamation which was going on. The noble and learned Lord then went on to make himself the mouthpiece of the Roman Catholic laity, and assured the House that they did not approve of the proceeding of the Pope; but on that point he would rather trust, for his own part, to the declaration of the Roman Catholics themselves, which had been referred to by the noble Duke on the cross-bench (the Duke of Newcastle), which was signed by eight or ten Roman Catholic peers, and most of the principal Roman Catholic gentry, in which they approved of the act of the Pope, and expressed their disavowal of any intention to stand aloof from him in that proceeding. Then the noble and learned Lord said that this insult had been greatly increased by its proceeding from a foreign and temporal potentate. Now, at one time there had been an English Pope, and yet that would not have altered the complexion of the Act, had it been committed by him. The Pope was not necessarily a temporal potentate; and, as had already been observed, his Rescript would have possessed just the same force had it been issued from exile. It might happen that he might be dispossessed of his temporal sovereignty, or expelled from Rome; but his spiritual power would remain the same. Next, the noble and learned Lord proceeded to animadvert in strong terms on the insolence of the Pope in parcelling out the territory of this country into different dioceses; but he would ask the noble and learned Lord, whether the parcelling out of the territory into vicariats was not as much an aggression on the supremacy of the Crown as the parcelling it out into dioceses? The noble and learned Lord, he observed, shook his head. He probably meant that vicariates do not involve jurisdiction. [The LORD CHANCELLOR assented.] But he (the Earl of St. Germans) maintained that the cases were nevertheless substantially the same. The history of the Catholic Church in England had been so boldly sketched out by the noble Duke who had preceded him, that he should not attempt to touch upon it; from it, however, he was informed that from the death of the last Roman Catholic bishop, Dr. Watson, incessant efforts had been made to induce the Pope to create a regular hierarchical system in this country, which had been discouraged invariably by the Jesuits, and until lately the Roman Catholics had never been able to prevail on the Pope to comply with their wishes. But the noble and learned Lord asked where, among the great Powers of Europe, an instance had occurred of the Pope having been permitted to appoint bishops without the consent of the Sovereign? He (the Earl of St. Germans) confessed he did not expect, in a matter of civil and religious liberty, that despotic Powers would be set up for our example; we rather ought to set them an example, than take one from them. But he would ask whether it did not make a great difference that a concordat had been concluded between these Powers and the Holy See—at least in the great majority of instances? for in that case each party gave up something—Rome gave up spiritual power, and the country gave the temporalities. That, he thought, although he spoke with diffidence, was the old law of this country; at least something like it was to be found in Bracton, who seemed to him to lay it down most clearly, and to point out the fallacy which ran through the most of the arguments used by their Lordships, and that was, confounding the spiritual with the temporal. The distinction was a very narrow one; so narrow as to give rise, he believed, to most of the disputes which had arisen between our Kings and the Popes. He could assure their Lordships that no man could be more opposed to any encroachment on the temporal power of the Sovereign of this country than he was; but he did not see that in this case any such aggression had been committed. But since much was rested on the assumption of titles, and the noble Marquess (the Marquess of Lansdowne) had said that the Queen was the fountain of honour in this country; he begged to remind the noble Marquess that many titles were accepted from foreign Powers by subjects of Her Majesty, without the smallest sanction or congnisance on the part of the Queen. The noble Marquess would see, by an almanack, that there was a large number of counts and barons in Ireland, not one of whom, he believed, had assumed the title with the sanction of Her Majesty; and in this country was one who had attracted considerable attention to himself—the Baron de Rothschild. The fact was, the title of bishop or archbishop was not a title of honour, but of offices in the Church; they were no more titles of honour than were the titles of archdeacon, priest, or deacon, being no more than titles of an office in the Church, and not beyond the Church. No doubt in this country, and in most European countries, there was connexion between Church and State, and the bishops had been placed in a station of honour, dignity, and power, so that it was difficult to discover the idea of a bishop from that of a man of rank and wealth. Selden spoke of bishops as being only spiritual barons; and the very fact that the Government had not thought it necessary to prohibit the title of bishop from being used in the Episcopalian Church of Scotland was a proof that they themselves did not consider it as a title of honour, which could only be conferred by the Queen. The same exercise of authority had been used by the Pope in the United States of America, without the slightest remonstrance; but although there was no Established Church in that country, yet if there had been any infringement upon the temporal power, America, as jealous of it as we could be, would have resented it. That, then, was a case in point to the noble and learned Lord on the woolsack, in which a similar exercise of authority had been permitted. The noble and learned Lord who spoke early in the debate (Lord Lyndhurst), stated, the effect of the statute of Richard II. was to put without the protection of the King, any person who should in any case infringe upon the authority or dignity of the King, or the temporalities of the Sovereign, and that it was on that ground that Lalor was punished. Dr. Wiseman said, in disposing of those cases which came before him as a coadjutor to assist the bishop of the diocese, he would be governed by the canon law. Therefore, it was not at all clear that they were not more in danger from the canon law than was supposed. [The noble Earl quoted an extract showing that Dr. Wiseman had stated at the bar of the House of Lords that English vicars-apostolic exercised episcopal functions, and Sir W. Follett, in examining him, presupposed the exercise of the canon law.] He maintained that all the objections which had been urged against the system of government by the regular bishops, applied with equal, if not greater, force to vicars-apostolic. In fact, the principal difference between them consisted in the fact that the bishops were more independent of the Pope than the vicars-apostolic were. The Irish Roman Catholic bishops had refused to obey the Pope; but the vicars-apostolic in England, who were altogether dependent upon the Pope, were obliged to obey his Holiness. If therefore they wished the Roman Catholic bishops to continue dependent upon the will of Rome, their Lordships should pass this Bill; but if they wished to see them more independent, they ought to allow the measure of the Pope to take effect. For his own part, he wished there were no Roman Catholics; he was no admirer of their creed; he was firmly attached to the Church of England; but he felt that he must take facts as he found them. He found, then, that there were in this kingdom 5,000,000 or 6,000,000 of Roman Catholics, and how was he to deal with them? Was he to ignore their existence? or was he, as the Government now proposed, to prefer a bill of indictment against them? It was impossible to take the latter course with any chance of success. It had already been tried for 300 years and failed. Had the Government forgotten the lesson of experience on this subject? The Catholic Relief Bill had been granted because a civil war was apprehended. Was there nothing to be apprehended from such legislation as this? The noble Duke (the Duke of Wellington) said, in 1829, that he was induced to concede Roman Catholic emancipation from a fear of civil war; but it very clearly appeared from the speech of the noble and learned Lord on the woolsack, who, indeed, to do him justice, had spoken in a manner that could not be misunderstood, that penal enactments were not only to be passed, but rigorously enforced. In short, their Lordships were only at the very commencement of a course of penal legislation. For his own part, he must say he thought it was well the people of England and Ireland should know this—should know the intentions of the Government, and how far the exercise of the Roman Catholic religion was to be prohibited—that the functions of the Roman Catholic bishops were to be annulled, their acts invalid, and themselves to be prosecuted—that the existence of a third of the population of the United Kingdom was to be ignored—and that, in fact, some of the most severe provisions of the penal laws were to be revived. He ventured to ask the noble and learned Lord on the woolsack a question which had been previously put to him, namely, how far, and in what manner, they intended to carry out the provisions of the Bill in England and Ireland? It was the duty of their Lordships to ascertain, before they sanctioned the Bill, to what extent its provisions would be brought into actual operation. The noble and learned Lord had spoken with ridicule of the proposition of his noble Friend (the Duke of Newcastle) to address the Queen on the subject. That course was adopted with good effect some years ago in the case of the repeal agitation in Ireland; and he did not see why it would not have had as good effect in the present case. The noble and learned Lord had adverted to the evils which would be certain to follow the existence of the new hierarchy in England, if not counteracted by the present Bill; but none of those evils had occurred in Ireland, where a similar hierarchy had existed for 300 years. The fears of the noble and learned Lord were therefore mere chimeras and bugbears. The Pope had always created bishops *proprio vigore*, without any interference on the part of the Sovereign. In spiritualities the Pope had always been supreme, and it was about temporalities alone that disputes had arisen between him and Sovereigns in the early periods of our history. "I think," continued the noble Earl, "I know something of Ireland. I am sure I take a great interest in all that relates to the people of that country, and I can unfeignedly declare that I never felt so strongly and deeply on any political question affecting them as I do upon this. I cannot contemplate the adoption of this Bill without dismay. You may put down rebellion with the sword; but, my Lords, how will you contend with

> 'Th' unconquerable will,
> And study of revenge, immortal hate,
> And courage never to submit or yield?'

These are among the consequences which you have to apprehend, and I earnestly hope your Lordships will not adopt a measure which will again rivet on the Roman Catholics those fetters which the continued efforts of the greatest statesmen this country ever produced have but lately succeeded in striking off." He would give his hearty support to the Amendment of his noble Friend that the Bill be read a second time that day six months.

The EARL of MINTO was anxious to offer explanation upon two points with respect to which reference had been made to him personally. When he was at Rome he had some conversation with the Pope on the question of establishing diplomatic relations between his Court and this country. He told the Pope openly, that we would not be willing to receive in this country an ecclesiastic as his representative. The Pope said, he could not undertake to send a Minister who was not an ecclesiastic; but he added that need not occasion any difficulty in the transaction of business between the two Courts, because we might adopt the course suggested by the noble Earl who had moved the Amendment (the Earl of Aberdeen)—the course taken by the Government of Prussia and Russia—and accredit a Minister to him. On that understanding matters stood at that time; but when a clause, supported by the noble Earl, was introduced into the Diplomatic Relations Bill in their Lordships' House, the Pope said to him (the Earl of Minto) that that circumstance had entirely altered the state of the case, and that after that Parliamentary refusal to entertain such a Minister from him as could alone represent him, nothing on earth should induce him to receive a Minister accredited from this country to Rome. Under these circumstances, their Lordships could judge whether it was possible, supposing it to have been expedient—a point upon which he offered no opinion—to have maintained with Rome the diplomatic intercourse which it was supposed would have prevented the occurrence of the event which had given rise to the Bill before the House. And now a few words with respect to another matter. The noble Earl (the Earl of Aberdeen) had stated, that while he (the Earl of Minto) was at Rome, a paragraph appeared in the *Roman Gazette* announcing that subscriptions were to be raised for erecting a Roman Catholic church in London, and that among the persons appointed to receive subscriptions was Cardinal Wiseman, "Archbishop of Westminster." The noble Earl seemed to think it must be very odd if he (the Earl of Minto), living in Rome, had not seen this announcement in *Roman Gazette*. The fact was, he never heard of the paragraph until he learned its existence from the noble Earl last night. Since he entered the House that evening, he had been furnished with a copy of the paragraph, and it certainly did appear the *Roman Gazette* stated that the vicar-apostolic had been created Archbishop of Westminster. On a former occasion he stated he was aware that an intention existed of creating Cardinal Wiseman Archbishop of Westminster. Every one knew it. It was spoken of on all hands. At the time, however, when the paragraph appeared, he understood some difficulty had occurred on the subject, and he then had reason to expect that the elevation of Cardinal Wiseman would not take place. However, it was evident that in January, 1848, the *Roman Gazette* spoke of an Archbishop of Westminster existing. If he had happened to have seen the paragraph, he would have looked on it as one of those inaccuracies which appeared in that newspaper, and others of the same sort. He thought he could perceive in the paragraph evidence that Cardinal Wiseman was not the person referred to. The cardinal was not named in the paragraph, and he believed that it referred to Dr. Gregory.

The EARL of ABERDEEN: What difference does that make? The paragraph speaks of an Archbishop of Westminster.

The EARL of MINTO: It certainly showed an intention to create somebody Archbishop of Westminster. Of course, he was aware of that intention, as he stated before, long before he visited Rome. He only wished to state that in point of fact the paragraph never met his eye.

EARL FITZWILLIAM entirely concurred in the propriety of introducing the Bill. He did not agree with the Bill because of the insult offered to the Sovereign and the country, but because he believed that the creation of a Roman Catholic hierarchy with territorial titles, was intended to propagate the Roman Catholic religion in this country. He approved of the measure on that ground, and he hoped it would be passed into law. The Bill was unsatisfactory in its provisions, but he would accept it in preference to having no legislation at all. He viewed with alarm the long vista of future legislation which the Lord Chancellor had opened. The Government ought to have introduced a sufficient measure at once. He had a word to say to the other House of Parliament. He had also a word to say to Her Majesty's Ministers in the other House of Parliament. They ought not to have kept this Bill in the other House five months, because at this period of the Session, when their Lordships were driven as it were into a corner, they were compelled to take this Bill in its present shape, or none at all. He thought a very serious error had been committed by extending this Bill to Ireland. He considered that error the more grievous, because in his judgment the Roman Catholic religion should be placed on an equal footing with the Protestant religion, and there should be what he would call a co-establishment of the two religions in Ireland. It had been said that in high quarters the conduct of the Church of Rome had excited more indignation than fear. That, however, was not his feeling. He regarded the conduct of the Roman Catholic clergy with more of fear than indignation. When he looked round and saw the influence which these persons exercised, and the qualities which they possessed, fitting them to win the hearts of the common people, he was not without anxiety as to the result, particularly when he saw how the intonation of the service, and all the pomp and circumstance attending the celebration of the rites of that religion, had made their way into the weak minds of many of the aristocracy. He had confidence in the middle classes of the country; but though he was standing in the House of Lords, he would tell their Lordships that he had very little confidence in the aristocracy. The House had a great duty to perform, and the middle classes thought that this duty would not be performed if the Bill were passed. He had been told that agitation had been calmed, and had gone down; but the thinkers and the speakers on the subject nine months ago felt quite as strongly now, if not more strongly, than they did before. He must say that he voted for this Bill with great pain, as he did not quite see what would be its effect; and he thought his noble Friend who had spoken from the cross benches (Lord Monteagle) deserved a more distinct answer to the question he had so pointedly put, than his noble and learned Friend on the woolsack had given to it. He trusted it was not yet too late to hear what would be the legal effect of this Bill—a Bill which was not altogether approved of by the Government, but which had been forced upon them by certain Members of the House of Commons. Before sitting down, he would take the liberty of stating what would be the character of the Bill which he should have taken the liberty of recommending. He would have made the assumption of titles an offence, but he would have attached no penalty, but left the Courts of Common Law to deal with that offence. He would have had it declared that no subjects of Her Majesty should use any title, civil or ecclesiastical, conferred on them by a foreign Power without Her Majesty's consent. The practical use he would have made of such a power would be to prohibit the use of ecclesiastical titles in England; but he would have allowed them in Ireland, thinking that the position of the Roman Catholic Church in Ireland entitled it to that privilege. Therefore, though he would vote for the second reading of the Bill now before them, yet that would have been the measure he would have recommended.

The EARL of HARDWICKE said, that this was a Bill which satisfied no one; it had been introduced by Government, but they were not satisfied with it, from the alterations and amendments made in it; and his noble Friend on the right, a distinguished authority in the House, had directly opposed it. For his own part, he said he should vote for it with the greatest reluctance, and only upon the strong necessity of maintaining the honour and dignity of the Crown. That was the ground on which he would vote, and he would not offer another argument upon the question; but he must say that a noble Friend of his. if the necessity of providing for this had fallen upon him, would have conducted the case in a very different way, so as to satisfy the country, by investigation of the whole of the circumstances, that something efficient would be done, and that the relations of the Roman Catholic hierarchy to this country would be satisfactorily arranged. He more than doubted what might be the effects of this Bill on Ireland —whether it would be possible to carry out the view of the Government in that country; and without saying what might be the consequences in England, he was convinced that, instead of satisfying the country, the Bill would raise new questions, and that when they had passed this Bill, they had not reached the end of their legislation on this subject.

The MARQUESS of LANSDOWNE rose to reply, and said, that there were two general reflections, which had occurred to him, in the course of this debate, which had afforded him much satisfaction. The first was, that in the course of this lengthened discussion he had not heard a single attempt to justify the proceedings of the Court of Rome for the manner it had acted in this affair. The noble Earl opposite (the Earl of Aberdeen), who had gone the nearest to apologise for the proceedings adopted by that Court, had found no other reason on which to ground his apology than this—that these proceedings were no other than the habitual arrogance and assumption displayed by that Court. He hoped, however, it was not the opinion of the noble Earl that that systematic course of arrogance and assumption was to be met on the part of England by a systematic course of submission. What he (the Marquess of Lansdowne) claimed was, that though bearing much which the Court of Rome was accustomed to do, this country should use their own judgment, and if the proceedings of that Court assumed an offensive character, that they should be prepared, in the name of the country and of the Sovereign, both to declare that they would not submit to it, and that they would adopt such means as were necessary for resisting it. The other general observation from the whole course of the debate which was most gratifying to him was, that in all the variety of opinions that had been expressed, and the feelings which all entertained in a greater or a less degree of the character of that aggression, it had not occurred to one of their Lordships, and he believed it had scarcely occurred to any one out of doors, that it would be right to retrace their steps in the great cause of liberality which they had observed towards the Roman Catholics of the United Kingdom, and to deprive them of the rights—the inestimable civil rights—which had been conferred upon them. He would reply in a very few words to an argument which had been put in a somewhat logical form by a noble Earl on the preceding evening. The noble Earl said, "What has the Pope done? It is necessary to the Roman Catholic religion that it should be administered by an Episcopal Catholic hierarchy. The Queen had no power to establish a Catholic hierarchy beside the Church of England, and it is therefore necessary that we should permit the Pope to establish a hierarchy." Why, it was not for establishing a Roman Catholic hierarchy that we protested against the measure of the Pope, but because he had attempted to establish a British hierarchy. Who had ever attempted to object to the appointment of Roman Catholic bishops to preside over the Roman Catholic Church? He said no man had done so. Let the Pope do what he thought just and necessary in regard to his own Church, but let him not attempt to do it by establishing a British jurisdiction. Again, the noble Duke (the Duke of Newcastle) had said, that this Bill was not so much an Act against the Pope as against our fellow-subjects professing the Catholic religion; but he (the Marquess of Lansdowne) would ask in what way they could proceed but by attacking those instruments which the Pope employed? Let those parties refuse to be the instruments of the Pope in his illegal acts, and they would stand acquitted of all guilt and all punishment; but if they submitted to act under the Pope's jurisdiction, and to act in contradiction of the authority of the Queen, they must abide the consequences. Let them teach the Pope that he could not employ such instruments in this country, and they would administer to him a most useful lesson, which would have the effect of preventing him from proceeding in that career which had been justly described as indicating an intention of extending his system over every parish in England where he could erect the Papal authority. It was said that by this Bill we were taking the first steps towards hindering the Roman Catholic religion, by penal enactment. But how otherwise than by penalties could we prevent anything that we desired to put a stop to? The Emancipation Act itself was accompanied with penalties. He could not sit down without paying a tribute of praise to the noble Lord (Lord Beaumont), who might be said to represent the Roman Catholics in that House, for the good feeling, moderation, and temper he had displayed in his speech. *O si sic omnia omnes dicissent!* If all had come to the examination of this question in the same fair and unprejudiced spirit, it might have been brought without difficulty to a more speedy and satisfactory issue. He denied that his Colleagues in the other House had yielded immediately to the efforts to make the measure more strigent. On the contrary, while some verbal Amendments had been admitted, many efforts to increase the stringency of the Bill had been defeated, and others had been given up on their Movers finding that the Government would give them no support, amongst which was the most objectionable Amendment of all—that which would have given the power of filing an information to the common informer. On other occasions Her Majesty's Government had, it was true, been defeated. And his noble Friend said, that having then sent up the Bill with the Amendments so introduced, they were answerable for them. He denied that. They were answerable for the effort to carry an effective measure. These Amendments did not affect the principle of the Bill; and was it anything new that, such being the case, the Government, being defeated on these particular Amendments, should have consented to go on with the Bill? His noble Friend had himself been a Member of a Government that very wisely accepted the Municipal Reform Bill when it was sent down from that House with very great amendments. Her Majesty's Government, thinking that it was important that a public declaration of opinion on this important subject should go forth, would not, because some alterations had been made in its machinery, abstain from inviting their Lordships to carry this measure into effect, and thereby to secure the benefit of those provisions which were necessary for the maintenance of the Queen's prerogative. He believed that there was nothing in the Bill which would at all invade or embarrass any of the ministrations of the Catholic Church; but should that appear to be the case in practice, he should feel bound to come again to Parliament to give the Catholics that full extent of religious liberty to which they, as well as every other class of Her Majesty's subjects, were entitled, under the protection of that House and the sanction of the Crown. He was not there to contend that the Bill met every difficulty of the case, for every person who had studied the history of modern Europe knew that the separation between the spiritual and temporal power was one of the greatest difficulties with which modern legislation had had to contend. What he looked for from the measure was, that, passed by the majorities by which it had hitherto been, and by which he was sure it would be finally sanctioned, it would disabuse the Pope of Rome more effectually than could be done by any other means of that unfortunate error into which he or his advisers had fallen, that there was a party in this country, becoming daily more numerous and powerful, who would receive any measure extending his power and fortifying his authority, not with opposition, but with readiness and joy. Upon these grounds he begged their Lordships to read the Bill a second time. He trusted that none of the prophecies which had been shadowed out with respect to its operation in this country, and more especially in Ireland, would be verified. Undoubtedly, if the Irish people, sufficiently prone to misapprehend the spirit of British legislation, should take the meaning of this Act from two or three speeches which their Lordships had heard that night, it could not fail to create great discontent in that country; but he was convinced that when they should find that in practice they were still guaranteed every privilege, civil and religious, which they had hitherto enjoyed, that their feelings, however tumultuous, would subside, and that harmony would prevail, which it was the duty of the Government to secure by every means in their power.

On Question, That ("now") stand part of the Motion, their Lordships divided:—Content, Present 146; Proxies 119—265:—Not-Content, Present 26:—Proxies 12—38; Majority 227.

Resolved in the *Affirmative;* Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Friday* next.

List of the CONTENT.

H. R. H. the Duke of Cambridge
Lord Chancellor

DUKES.

Argyll
Buckingham
Cleveland
Grafton
Manchester
Montrose
Norfolk
Wellington

MARQUESSES.

Breadalbane
Cholmondeley
Clanricarde
Donegal
Ely
Lansdowne
Ormonde
Salisbury
Waterford
Westminster
Winchester

EARLS.

Aylesford
Abergavenny
Airlie
Bessborough
Bathurst
Beverley
Bandon
Cowper
Craven
Chichester
Cottenham
Carlisle
Cardigan
Dartmouth
Darnley
Digby
Effingham
Egmont
Enniskillen
Fitzhardinge
Fitzwilliam
Gosford
Grey
Granville
Glengall
Galloway
Harrington
Harrowby
Hardwicke
Ilchester
Jersey
Kingston
Kinnoul
Longford
Lucan
Lanesborough
Minto
Morley
Morton
Mountcashell
Malmesbury
Macclesfield
Manvers
Mansfield
Pomfret
Powis
Romney
Rosse
Strafford
Shaftesbury
Scarborough
Selkirk
Talbot
Verulam
Westmoreland
Waldegrave
Warwick
Wilton
Zetland

VISCOUNTS.

Clifden
Combermere
Hardinge
Hereford
Ponsonby
Sydney

BISHOPS.

Chester
Cork
Chichester
Carlisle
Hereford
Killaloe
Lichfield
London
Manchester
Norwich
Oxford
Ossory
St. Asaph
St. David's
Salisbury

BARONS.

Alvanley
Abinger
Broughton
Beaumont
Byron
Bayning
Bolton
Berners
Churchill
Crewe
Carington
Cranworth
Campbell
Colborne
Crofton
Colchester
Castlemaine
Clarina
Dinorben
De Mauley
Dufferin
Delamere
De Ros
Dunsany
Erskine
Elphinstone
Feversham
Foley
Forester
Gough
Harris
Keane
Kilmaine
Lilford
Leigh
Overstone
Portman
Redesdale
Stanley of Alderley
Seaton
Sondes
Templemore
Tenterden
Vivian
Wodehouse
Walsingham
Willoughby de Eresby

Proxies.

ARCHBISHOP.

Canterbury

DUKES.

Brandon
Devonshire
Leinster
Marlborough
Roxburgh
Richmond
Somerset
Sutherland

MARQUESSES.

Ailsa
Abercorn
Anglesey
Downshire
Exeter
Huntly
Normanby
Westmeath

EARLS.

Albemarle
Buckinghamshire
Burlington
Beauchamp
Brownlow
Clarendon
Clare
Coultown
Caledon
Cork
Clanwilliam
Ducie
De Grey
Desart
Derby
Eldon
Erroll
Essex
Eglintoun
Ferrars
Fortescue
Falmouth
Gainsborough
Guildford
Harewood
Kintore
Leicester
Lovelace
Lindsay
Lonsdale
Leven and Melville
Oxford
Orford
Onslow
Poulett
Radnor
Ranfurly
Rosebery
Roden
Ripon
Rosslyn
Shannon
Somers
Seafield
Stamford
Sheffield
Spencer
Sefton
Sandwich
Wigan
Yarborough

VISCOUNTS.

Beresford
Bolingbroke
Doneraile
Falkland
Melville
O'Neill
St. Vincent
Sidmouth

BISHOPS.

Bangor
Bath and Wells
Durham
Ely
Gloucester
Lincoln
Peterborough
Ripon
Winchester
Worcester

BARONS.

Abercombie
Bagot
Berwick
Bateman
Boston
Cowley
Clonbrook
Clinton
Douglas
De Lisle
Downes
Farnham
Glenelg
Hawke
Howden
Heytesbury
Hatherton
Howard de Walden
Kenyon
Londesborough
Monson
Methuen
Milford
Mostyn
Northwick
Polworth
Rodney
Rollo
Sherborne
Teynham
Vernon
Wynford
Wenlock

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, July 22, 1851.

MINUTES.] PUBLIC BILLS. — 1° Consolidated Fund; Metropolitan Sewers; Emigration Advances, Distressed Districts (Scotland).

Reported.—Commons Inclosure (No. 3).

3° Grand Jury Cess (Ireland); Mercantile Marine Act Amendment; Arrest of Absconding Debtors; New Forest Deer Removal, &c.; Local Acts (Preliminary Inquiries).

WAYS AND MEANS—THE CASE OF ERNEST CHARLES JONES.

Order for receiving the Report of the Committee of Ways and Means, read.

Motion made, and Question proposed, "That the Report be now brought up."

LORD DUDLEY STUART rose to call the attention of the House to the case of Ernest Charles Jones, as stated in his petition, presented to this House on the 26th May last, and to move for "Copies of all Rules and Regulations which at any time, from the year 1840 to the present, have been in force within the several prisons in England and Wales, so far as they may affect prisoners convicted of political offences." He said it was the duty of a Member of that House to bring forward any case of oppression that came to his knowledge. Mr. E. C. Jones had appealed to him to bring forward his case, and he felt it his duty to do so. Owing to the curtailment of the Motion days, he had been compelled, unwillingly, to bring it forward as an Amendment on a Government Motion. Mr. Jones had done all in his power to have the case investigated earlier. He had been discharged from prison late last summer; and, owing to the indisposition of himself and one of the Members for Westminster, the case had not been brought forward earlier. Mr. Jones was a barrister, a man of considerable literary attainments, and the author of several works in prose and verse. His father, Major Jones, was formerly equerry to the Duke of Cumberland, now King of Hanover. In 1848 Mr. Jones had been tried and convicted for a political offence, that of delivering a seditious speech, and sentenced to two years' imprisonment. He (Lord D. Stuart) had nothing to do with the justice of this sentence; it was to the treatment to which Mr. Jones had been subject in the prison in which he underwent his sentence (Tothill-fields Prison), to which his Motion had reference. Neither did he propose to go into all the allegations of the petition, but would proceed upon the answers of authorities of the prison, which had been laid upon the table of the House on the Motion of an hon. Friend. In answer to the allegations in Mr. Jones's petition, the prison authorities admitted that he was placed in separate confinement on the silent system, was employed in oakum picking, wore the prison dresss, had no change of clothes in summer or winter, was not allowed the use of a knife and fork, and only had visits from his friends eleven times during the whole period. After the first three months he had been prevented writing to his friends, even to his wife, and had only been allowed to write fourteen letters altogether. Towards the close of the period he was debarred the use of pen and ink, and was not allowed to write to the Judge as to the carrying out of his sentence, nor to see his solicitor. This was contrary to the Act of Parliament, and to the rules of the prison, in which it was distinctly stated that convicted prisoners were to have the privilege of seeing their solicitors, and in private if they wished. He was called upon to pick oakum, and did so at first; on his refusal he was placed in a cell for four days on bread and water; and on a subsequent refusal he was there placed, by order of the magistrates, for four days. This was admitted by the governor; and the magistrates, in giving that order, had violated the Act of Parliament, which gave them no authority to confine a prisoner on bread and water. The governor had this authority for three days, but not for a longer period; consequently the order to confine him for four days on bread and water was illegal. Two other political prisoners (Sharpe and Williams), who were placed in solitary confinement on the same day as Mr. Jones, for refusing to pick oakum, because their friends could not afford to pay the miserable sum of 5*s*. per week, which would exempt them from that labour, were dead in less than a week; and at the inquest the jury commented on the severity used towards them, and recommended that prisoners should not be subjected to such treatment at that time when the cholera was raging. Mr. Jones suffered in his health, and it was doubtful whether he would ever recover from the effects of this treatment. The surgeon of the prison, while denying his ill health, admitted that he had been fifteen weeks and two days in the infirmary, when he was suffering from chronic inflammation of the eyelids. The surgeon admitted that he lost nearly a stone; and Mr. Perring, the medical inspector, said he lost 14 lbs. in five weeks. Mr. Jones had written to several Members of Parliament to come and visit him; the governor ordered him to desist, and the governor had added to a letter written by the prisoner to his wife, warning her not to invite other persons to visit him, as that might interfere with her own visits. This was now denied; but it was capable of substantiation by the production of the governor's letter. He complained of having to wash in the open air; and this was substantially correct, though in part denied by the Governor. He (Lord D. Stuart) had examined the place, and found Mr. Jones's statement correct. He found the prison arrangements open to various objections not involved in this case; there were no flues, nor any artificial means of warming the prison, which presented in that respect a great contrast to the Pentonville Prison and the House of Detention. The governor, in his report to the magistrates, had alleged that the political prisoners, in their interviews with relatives and their correpondence, evinced a determination to repeat their offences as soon as discharged. He (Lord D. Stuart) had seen all the letters written by Mr. Jones, and found in them nothing whatever indicating an intention to act improperly. He had yet to learn that it was an offence to oppose the Government, or to induce others to do so. The spirit of the governor's report showed very little leniency or candour. The general feeling was in favour of a distinction between political prisoners and others; for no one could be brought to believe that their offences were of the same turpitude as those of felons and others; and, whatever Acts of Parliament might be passed on the subject, the public could not be reconciled to the same treatment in these cases. In the cases of Redhead York, Gilbert Wakefield, and William Cobbett, they had not only been allowed to see their friends and correspond, but to carry on their publications. Hunt was worse treated in Ilchester gaol; but he afterwards recovered compensation from the gaoler. Mr. F. O'Connor, when confined in York Castle, had been treated with less severity. It appeared there was no uniformity in the treatment of different gaols. Cooper the chartist, in Stafford gaol, had been treated with great leniency, contrary to the usual rule, but at the express desire of the then Secretary of State, Sir J. Graham. Mr. O'Connell, when in confinement in Dublin, had his apartments splendidly furnished, was allowed to write to whom he chose, and the prison was thronged with visitors. Mr. Disraeli, in 1840, had truly observed that in dealing with political offenders they ought to provide for the security of the State, not for the punishment of the prisoners. The late Mr. C. Buller had said it was the basest and most stupid act of a despotic Government to confound political offenders with others. Mr. Justice Talfourd and the present Lord Chief Justice, when in that House, had expressed similar sentiments. The Marquess of Normanby, writing in reference to Mr. O'Connor, said there ought to be nothing of degradation in his treatment, nor anything injurious to the health. Why should Mr. Ernest Jones have been treated with greater severity than Mr. O'Connor? Why did not the Government act in the same spirit as they had advocated in the treatment of Lovett and Collins? Vincent, it was said, had been treated with greater leniency, because his offence was less heinous than that of Ernest Jones. But the offence, as described in the two cases, was the same *totidem verbis.* When Vincent's case was under discussion, the Secretary of State had given an assurance that a classification of the prisoners should be introduced; but was it meant, by a bad jest, that such separation was to be solitary confinement? When Ernest Jones complained of solitary confinement, he was told that he might go and herd with the felons that filled the prison. To treat political prisoners with undeserved rigour, was bad policy on the part of Government. Men so treated could never forget what they had endured, or become attached to the institutions of the country under which they had so suffered. It was time something was done; he hoped the next Session would not pass without a measure on the subject being introduced. In one respect Mr. Jones's case differed from all others. He applied to the visiting magistrates for leave to petition this House. That was the constitutional right of every Englishman; it was so declared by the Bill of Rights, and laid down by Blackstone; and it had never been questioned. He doubted whether the interference of any parties to prevent any one petitioning that House, was not a breach of privilege. The Speaker thought it was not; but no one could question the gross impropriety of the act. Mr. Smith O'Brien had been allowed to petition, and his petition had been received, though he was attainted of high treason. In Mr. Jones's case, the magistrates required to know the grounds on which he wanted to petition the House: one was to complain of their conduct; the permission was refused, but he was allowed to address the Home Office. Sir G. Grey had immediately acted in a way which did him great honour; he had written to the visiting justices, desiring them to allow Mr. Jones to petition. Notwithstanding this they still refused, and the prisoner had never been allowed to petition that House. The conduct of the first instance, and then disregarding the intimation of the Secretary of State, was monstrous. Nothing could be less characteristic of men who wished to act with leniency and kindness. There was something suspicious in the way in which Sir G. Grey's letter had been conveyed to the magistrates; its delivery was unusually delayed, so that it only came before the meeting of justices on the 9th of July, instead of the 2nd. When it came before them, they evaded it by alleging that the prisoner had just written a letter to Mr. O'Connor, and could not by the rules write another till three months expired. It was to be regretted that Sir G. Grey had not relaxed that rule, to enable Mr. Jones to forward his petition. They were bound to have told him at the end of the three months that he was at liberty to send his petition; but this was kept from him, and he never knew of the permission having been given. This was a flagrant abuse of power on the part of the magistrates, and ought to be inquired into, so that the recurrence of such a thing might be prevented. Had he brought this forward at an earlier period, he should have moved for a Select Committee, and should do so next Session. Of all the chartist prisoners condemned at that time, Ernest Jones was the only one who had not received a remission of his sentence. This looked like oppression; and wherever there was an attempt to bear down an individual, it was the duty and the interest of all to see that justice was done. He did not bring forward this case because he agreed in the political opinions of Mr. Jones, but because he thought he had been oppressed.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'there be laid before this House Copies of all Rules and Regulations which at any time, from the year 1840 to the present, have been in force within the several prisons in England and Wales, so far as they may affect prisoners convicted of political offences,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. W. WILLIAMS seconded the Motion. He was one of the visiting justices of the prison, and he quite agreed in the language the noble Lord had used as to the oppressive and tyrannical treatment of these prisoners. It was most disgraceful to place men merely convicted of seditious language along with common felons. But the noble Lord had not properly distinguished between the rules of the prison, and the conduct of the magistrates. Had he referred to the rules and regulations, he would have seen that nearly all which he had imputed to the magistrates, was necessarily imposed on them by Act of Parliament. They had no alternative but to inflict the oppressions complained of. There were two divisions of prisoners convicted of misdemeanours, in one of which the prisoners received some indulgences. In the other cases which the noble Lord had referred to, the prisoners had gone to the second division of misdemeanants, in the absence of any order from the court to the contrary; and in that division the prison regulations authorised the visits of friends, wearing their own clothes by prisoners, and other indulgences. The other division was much more strict in its regulations—both were in conformity to the Act of George IV., cap. 64. During the time he had been a visiting magistrate of this prison, he found that every request of Mr. Jones had been complied with. He was not a visiting justice when the prisoner desired to petition; that refusal he considered a grievous wrong. In one instance Jones had applied for the use of pen, ink, and paper. This was at first refused by the visiting justices, but in less than a month after it was allowed. Afterwards Jones was provided with a drawing book, at his own request. He had written to Mr. Serjeant Wilkins, requesting a visit, and the magistrates had allowed this letter to be forwarded. Every application made while he (Mr. Williams) was a visiting justice, was complied with. The visiting justices were placed in a most difficult position; and he knew that the feeling amongst them was in favour of granting all the indulgences they could. The oakum picking had been imposed on Jones owing to the cessation of the payment which exempted him equally with the other prisoners. When the money was raised, this degrading occupation ceased. He lamented to know that two of the prisoners who were unable to make the required payments and had refused the work, and been placed in solitary confinement, had taken the cholera and died. He did not believe the visiting justices had any alternative in this case; but the oppressive Acts by which their discretion was fettered, ought to be repealed; and he regretted the noble Lord had not moved for a Committee. These tyrannical and oppressive statutes could only be got rid of by their evils being pointed out. He had not been a visiting justice during the whole of Jones's imprisonment; but he had seen no disposition in his brother magistrates to make the condition of these prisoners worse than it necessarily was. After the death of Sharpe and Williams, he had visited the twelve remaining political prisoners, and separately asked them if they had any complaint, promising to bring it forward. They one and all complained of the bitter and tyrannical rules; but no complaint was made of the way in which the rules were carried out, or of the conduct of the officers. He knew that Mr. Jones made more complaints than the other prisoners; probably they were well founded; but in general they referred to the regulations, over which the magistrates had no power. It was a mistake to state that Jones was the only prisoner whose punishment was not shortened; one man, Thomas Jones, had a fine imposed upon him of 10*l.* at the end of his imprisonment, which he could not possibly pay; he was sent to the House of Detention as a debtor, the Secretary of State refusing to remit the fine, and it was at last paid by the penny subscriptions of his friends. He regretted that the case had been brought forward so late that a Committee could not be appointed; he hoped this would be done next Session. He was confident the visiting justices would be acquitted of any harshness beyond the law, and it would be seen that they were actuated by a desire to grant all the indulgence in their power.

Lord DUDLEY STUART, in explanation, said, that Thomas Jones had received a pardon in May, his sentence not expiring till July; but this was conditional on his conduct being good.

Mr. W. J. FOX said, the apology for the magistrates at the expense of the prison regulations had strengthened the case of the noble Lord, and shown more forcibly the necessity of Parliamentary interference. In one case a month's unnecessary delay had been interposed, and on this ground he thought the House might express its opinion as to the conduct of the magistrates. On three or four points, they clearly had an option. In preventing the prisoner from petitioning this House, they had debarred him from a right which was conceded to every human being. It was the only defence of a British subject against illegal oppression within the walls of a prison; his petition should have as easy access to that House as his prayers to the throne of Heaven. There were ample safeguards in that House against any impertinent petition; it was wholly unnecessary to place further obstacles in the way of petitioning. The visiting magistrates were not the judges of the prisoner; and in depriving a literary person of writing materials, nothing more irritating could be conceived. It was no part of the sentence that a man should be punished by irritating and embittering his mind. Those who superintended prisons should rather be pleased to see prisoners employing writing materials, than anxious to deprive them of them. Every one knew that the object of punishment was best promoted by kind and liberal treatment. In 1795 or 1796, Mr. James Montgomery, the editor of the *Sheffield Iris*, had been confined for a political libel, and was yet allowed to continue the management of his paper. The case was the same with Mr. Flower, the editor of a Cambridge paper, with Mr. Leigh Hunt, Mr. Whittle Harvey, and others. In all these cases it was evident these men were not embittered by their employment. These cases had occurred during twenty-five years of the worst period of this country's history, when power was most unsparingly applied to crush those opposed to it. Yet even now, when the Government themselves held opinions coincident with the victims of the former system, these gross cruelties were still sanctioned by the Gaol Acts. In Mr. Jones's case there had been the most extraordinary interposition of the gaol chaplain as to his books; they were rejected, not because they were blasphemous or corrupt, for the list was most extraordinary. Among them were some of Mr. Jones's own works; also the *Antiquary* of Sir W. Scott, the *Pilot* of Cooper, and some works of an hon. Member of that House—

the hon. Member for Buckinghamshire—which were most extensively read. It was only a chaplain of the Westminster prison that placed these works in an Index Expurgatorius. *Shakspeare* was also interdicted, as well as some books of travel; and during his six days' solitary confinement, even the Bible was refused him. This could be nothing but the wilful exercise of a bad power; but gaol chaplains seemed to be persons of very peculiar notions. These were all matters in which discretion was exercised, and the visiting justices could not be defended by an appeal to the rules. He hoped the subject would come again before the House, and that there would be not only provision for the future, but reparation for the past, where injury had been committed.

Colonel THOMPSON said: It will not be supposed that I speak from approbation of all that has been done by the various individuals whose names have been brought before the House in the present debate, after I have said that I look upon them as men who, among them, have by mismanagement thrown away a great cause. But it is impossible not to deprecate the impolicy of making heroes, by persecution, of men whose political conduct we do not approve. And there is another ground which should be taken into consideration. Every one of these persecuted men, will probably make his appearance in the House of Commons. Some are here already; and the rest are coming. For example, there is Henry Vincent, whose name has been introduced; and for whose return to Parliament I would enter into a convivial contract of assurance, as soon as for any of the Members present on whom it is possible to place the hand. I know nothing against him, but that he has been too forward for his own safety. Had he asked my advice, in those excited times it is probable I should have said to him, "Ride as close as you can to the enemy's guns, but do not get taken prisoner." [*Laughter.*] Hon. Gentlemen should remember, that it was a thing which might have happened to many of themselves. ["Hear!" *from the free-trade benches.*] I hope, Mr. Speaker, you will hear him, if it is only for the faculty he has, of speaking by the hour with the correctness of a page in *Blair's Lectures.* Where he got the faculty, is known to Him who gave it. He was a journeyman printer at Hull, at the time of an election in 1835 in which I was concerned, and there he says he began in politics; so that he is a kind of political godson. In all contests, there should be a degree of moderation towards opponents; for no man can say whose turn may come.

Mr. BOUVERIE rose to answer the charges brought against the justices by the noble Lord. He said, the real question which the House had to consider, apart from the mere formal Motion of returns, was whether any cruelty or oppression had been offered to Ernest Jones. With regard to the formal Motion, there were no prison rules or regulations peculiarly affecting political prisoners, as distinguished from other classes of prisoners. There was no distinction between political and other offenders recognised by the law; and therefore, if the noble Lord wished to have copies of the rules and regulations affecting such prisoners, he could only attain his object by asking for the copies of the rules and regulations of all the prisons in the country indiscriminately. With regard to the rules of the prisons, the Secretary of State or the Government had no power whatever of altering or waiving them. The Act of Parliament had imposed upon the magistrates the duty of framing such regulations; and, when framed, they had only to be approved by the Secretary of State. As to the alleged hardships suffered by Mr. Jones, it was true that he had been confined in a separate apartment by himself; but then that had been done at the petitioner's own request, the justices having no alternative but either to cause him to be treated as an ordinary misdemeanant, or to be confined in a separate cell. Yet the petitioner having made his own choice between the two alternatives, turned round and made the matter a charge against the justices. The petitioner was an offender of a particular class, and had been subjected to the discipline assigned to his class. It was true the justices had some degree of discretion allowed them; yet they were bound to enforce the rules prescribed for the good government and regulation of the prison. The 3 & 4 Vict., cap. 25, declared that prisoners convicted of misdemeanours should consist of two classes; and when the sentence did not include hard labour, the Judge might order that the prisoner should be confined with the first division of misdemeanants. But Ernest Jones was not sentenced to imprisonment as a first-class misdemeanant; and, therefore, he came under the rules, more severe and disagreeable certainly to the prisoner, but yet rules which the justices were bound to enforce with regard to all prisoners of that class. It would be impossible to draw any distinction between political offenders and other classes of prisoners; and if it were attempted it would have the effect of dealing leniently with offences far worse in the eyes of all well-disposed men, than any other offences entering into the category of crime. The rules were very distinct as to the number of visits which the prisoners should receive, and the number of letters which they might write, and undoubtedly Mr. Jones had received a degree of indulgence to which he was not entitled by the rules, in being permitted to see his friends and relatives, and to write letters, when he had no claim to do either. As to the privation of books to read, hon. Gentlemen appeared to think that they had only to call a particular offence political, and then the prisoner should be sent into a sort of enviable retirement, where he could enjoy every luxury and indulgence, although he was in a prison. It was true that Mr. Jones's health became temporarily ailing whilst he was subjected to discipline; but surely that was not a circumstance for which the justices were responsible. The surgeon of the prison stated that Ernest Jones's continuance in the infirmary arose more from indulgence than necessity; and he was allowed to have an album in which to write poetry, for which he ought to have expressed himself thankful. It was complained that he had been placed in solitary confinement because he refused to work, and kept four days upon bread and water; but there was a rule rendering prisoners who refused to labour liable to a month's solitary imprisonment, and to be kept upon bread and water.

Lord DUDLEY STUART said, that might be stated in a prison rule, but where was the Act of Parliament which gave such a power?

Mr. BOUVERIE: He might adduce a whole string of statutes, giving general powers of that nature; but he asserted that whatever treatment the petitioner had received while in prison, was strictly in accordance with the rules which it was necessary to administer for the good government of the prison, and that whatever deviation from the rules had been made, had been made on the side of lenity and indulgence to the prisoner; and on these grounds he must oppose the Motion of the noble Lord.

Mr. G. THOMPSON denied that the wearing of a felon's cap was in conformity with the rules and regulations of the prison, or that the exclusion of the books referred to had been so required. It was clear this was an extra punishment, and a most severe and heartless one. Mr. Jones had been compelled to walk to and from the chapel in company with a class of prisoners to which he did not belong, including felons. The hon. Gentleman who spoke last had passed by the charge of Mr. Jones being prevented from seeing his solicitor, one of the most important grounds of complaint. Why had not the hon. Gentleman accounted for the neglect of the Secretary of State's letter? This letter, dated at the Home Office on the 2nd of June, only came before the justices a week after, the governor stating that it had only been received at the prison on the 7th. Why had not this been inquired into, and explanation given? How was it that Mr. Jones never knew of this letter being received, and of permission being given for him to petition the House? These were all violations of the prison rules, and could only have arisen from a wish on the part of the magistrates to make the prisoner's situation as painful as possible. He rejoiced that the question had been brought forward at a time free from political excitement. Mr. Jones had been the victim of such excitement; the sentences then passed were aggravated by the excitement which prevailed; and the least severe would now have been thought a sufficient punishment for what then took place. He trusted the discussion would at least have the effect of drawing the attention of the Legislature to the necessity of making a distinction between political offences and others. Mr. Jones had never sought for a commutation of his sentence; he had only complained of the severity of his treatment beyond what the prison regulations required. As the case stood, it wore a most suspicious aspect, particularly as to the detention of a letter from the Home Office. He hoped the whole matter would be brought under the consideration of the House early next Session.

Sir HENRY WILLOUGHBY expressed his opinion that Mr. Jones had been harshly and unjustly treated. He was not sentenced to hard labour, but had been put to the degrading occupation of oakum picking. The Act did not prescribe this as a punishment, but to repay the county for the expense of the prisoner's maintenance. As Mr. Jones was afflicted with chronic inflammation of the eyes, it was a marvel to him how the visiting justices could think of enforcing this ignominious labour, especially on a man of education. The solitary confinement had been ordered at a time when the cholera was prevailing, when there was a greater liability of serious consequences. The prisoner had been deprived of a most important right by the magistrates, in not being allowed to petition for three months, for at that time the House would not be sitting. Some explanation was due on this point; for whoever and whatever a prisoner was, he had a right to bring his case before that House. He thought it deeply to be regretted that the Lord Chief Justice, who sentenced this prisoner, had not directed his confinement in the first class of misdemeanants. It was impossible to come to any other conclusion than that he had been harshly and unfairly treated; he would, therefore, support the Motion for an inquiry next Session.

SIR DE LACY EVANS was sorry to observe a want of ingenuousness in the way in which the Government dealt with this case. It was undeniable that all the other prisoners had received a commutation of their sentence, Jones only excepted. Considering the ridiculous nature of the attempt in which they had been engaged, he thought it a case where lenity might properly have been exercised. Should a Committee be asked for, he would support the Motion.

MR. HENLEY said, a person in the station occupied by Mr. Ernest Jones, must necessarily have felt the restraints of imprisonment much more acutely than other classes of offenders; but, making every allowance for that consideration, he (Mr. Henley) thought he had hardly received that degree of indulgence which he was entitled to expect. The case did seem to call for further inquiry; although he did not blame the Government, which, as far as he knew, had no power whatever in the matter. Yet the visiting justices had to act upon their own discretion; and he could not say that they had always exercised a sound discretion in the case of the petitioner.

The CHANCELLOR OF THE EXCHEQUER said, it would be impossible to accede to the Motion of the noble Lord in its present form, because there was no distinction between the rules applicable to what he called political offenders, and those applicable to other prisoners.

LORD DUDLEY STUART said, he would modify his Motion, so as to include copies of all the rules and regulations of all prisons in England and Wales where political offenders had been confined.

The CHANCELLOR OF THE EXCHEQUER pointed out that that alteration would not obviate the difficulty, because there was no distinction in law between political and other prisoners.

MR. CORNEWALL LEWIS said, the noble Lord should bring on his Motion some other day, because he could not make a substantive Motion on the bringing up of the Report of Ways and Means.

MR. CHRISTOPHER suggested that the noble Lord should move for the prison regulations in the case of misdemeanants.

MR. CORNEWALL LEWIS said, that the Motion could not be pressed in its present form.

MR. BRIGHT suggested that the noble Lord might make out a list of ten or a dozen prisons where these prisoners had been confined, and then ask for the rules and regulations of these prisons. That would probably be granted as an unopposed return.

Amendment, by leave, *withdrawn;* Main Question put, and *agreed to;* Resolutions *reported.*

THE GERMAN CONFEDERATION.

MR. CHISHOLM ANSTEY said, that he had on a former occasion put a question to the noble Lord the Secretary for Foreign Affairs, with respect to the negotiations that were then going on, upon the part of the Courts of Berlin and Vienna, for the admission of their non-German provinces into the German Confederation. The noble Lord then stated that he had presented a strong protest to those Courts against so manifest a violation of the Treaty of Vienna as that would be if it were carried out without the assent of the other parties to that treaty. It was stated that some reply had been made to that protest on the part of the Court of Berlin, denying the right of the other Powers concerned in the Treaty of Vienna to interfere in the matter in any way. He wished to ask the noble Lord if that statement was correct, and if it were whether he had addressed to the Courts of Vienna and Berlin such a rejoinder as would tend to keep alive the rights of the British Crown in this matter?

VISCOUNT PALMERSTON, who was indistinctly heard, said, that no formal answer had as yet been received to the representations which Her Majesty's Government had made upon the subject of those negotiations. When the Germanic Diet again met at Frankfort, the representative accredited to that Diet on the part of Her Majesty, together with the representative of France, delivered to the Diet on the part of their respective Governments a note containing a protest against such an annexation as that to which the hon. and learned Gentleman referred, without the consent of the other parties to the Treaty of Vienna. No answer had yet been actually received by the Government; but he was informed, by a despatch from the British Minister at Frankfort, that an answer had been given him, on the 17th of this month, and that he might expect it by the next messenger. The doctrine that this was a purely German question, and did not at all relate to other Powers, was one to which Her Majesty's Government could not assent.

THE CAPE OF GOOD HOPE

MR. ADDERLEY said, he had understood the noble Earl at the head of the Colonies to have said, that with the additional information now before the Government he saw no difficulty in preparing draught ordinances to be passed at the Cape, which he hoped speedily to transmit to that colony, and that the Governor, with these draught ordinances, would be relieved from the real responsibility of deciding on the matter, and with a council of eight would feel no difficulty in getting two additional members to give to him the necessary technical and formal power to pass the Ordinances. He begged to ask the noble Lord opposite if he were right in understanding that to mean that the draught constitution now about to be sent out to the Cape was to be sent out complete in all its details, and according to any scheme laid before the House in papers already presented to it; if not, whether he would lay it before the House before the Session closed? Whether it contained anything relating to a change of the seat of Government at the Cape, or a separation of the eastern and western provinces of South Africa? Whether it had to pass through the usual several stages in legislation in the Council, or be merely submitted to their acceptance or rejection by one vote? Whether it might be discussed and altered in the Legislative Council? Whether it must be referred home for final sanction? Whether it was to be postponed till after the conclusion of the Kaffir war?

LORD JOHN RUSSELL stated, in reply, that the draught constitution would be sent out complete in all its details, not literally according to any particular scheme contained in papers presented to the House, but combined from various suggestions that had been made, and from various papers that had been received. He did not think that it would be completed in time to be laid upon the table of the House before the close of the present Session. The change of the seat of Government was a matter for the prerogative of the Crown, in which the Governor would act according to the instructions which he might from time to time receive. There would not be any provision for the separation of the eastern and western provinces of South Africa, but it would be left to the discretion of the colonists themselves, acting through the Representative Assembly. It would be passed through the several stages, and perhaps might be discussed and altered in the Legislative Council, but he did not expect that any material alteration would be made. It must be referred home for final sanction. He could not say anything more with respect to its being postponed until after the Kaffir war, than he had already stated to the House at different times. It would depend upon the circumstances of that war, and its probable duration.

DAVID SALOMONS, ESQ.—THE " VOTES AND PROCEEDINGS."

MR. CHISHOLM ANSTEY said, that appeared, upon the face of the Votes and Proceedings of the House on the previous day, that Mr. Alderman Salomons had addressed to the Speaker a letter which had been entered on the Minutes, but which had not led to a corresponding alteration in the Minutes of the day before, to which it referred. He therefore wished to know from the Speaker whether the entry of that letter upon the Minutes was sufficient to place on record the fact that the reason why the hon. Member for Greenwich had omitted the words in question from the solemnity of the oath of abjuration, was that which he had there stated it to be, namely, that he considered that he had taken it in the form prescribed by the 1st & 2nd Victoria; thereby distinguishing his case from that of the Member for the City of London, who had given as his reason for the omission, that he did not consider the words in question binding upon his conscience. The question he had to put was, whether that letter being entered on the Minutes, had put that distinction on record? Should the answer of the Speaker be in the negative, he wished to know whether it was competent for him to move, that the hon. Member for Greenwich be brought to the table now, and the question put to him in the way that it was put to the hon. Member for the City of London, in order that he might, by word of mouth and in person, signify his reason for the omission of the words "on the true faith of a Christian."

MR. SPEAKER said, that the letter of the hon. Member, which he had read to the House, was the best possible record of his opinion on the subject of the oath and of the claim which he had made; and that the House would not admit of any further proceedings in the matter until the hon. Member had been sworn in, in a regular way, at the table of the House.

MR. DISRAELI wished to speak to a point of order. The Motion of which the noble Lord at the head of the Government had given notice was a question of privilege, and of course took precedence of the Motion of which his hon. Friend the Member for the University of Dublin had given notice with reference to national education in Ireland, in which hon. Members on his side of the House were deeply interested. He wished to know, however, how this question had been brought forward as a question of privilege. Because, if it was merely to decide that a gentleman elected to that House was not entitled to vote and sit during any debate until he had taken the oath of abjuration in the form provided by law, he apprehended that that question had been settled by the House, and that there was no need to discuss it again. In that case it would not be necessary for the noble Lord to make the Motion of which he had given notice, and his hon. Friend the Member for the University of Dublin might proceed with his Motion on the subject of Irish education.

LORD JOHN RUSSELL conceived that it was a question of privilege whether or not an hon. Member having come to that House and offered to take the oath of abjuration in a peculiar manner, the House would be prepared to allow him to take his seat. As matters of issuing new writs and matters relative to the seats of Members were matters of privilege, he thought that he had no alternative but to bring it forward as a matter of privilege. He had stated the other night that he regretted very much that his Motion should stand in the way of the hon. Member for the University of Dublin; but as the question stood last night, he could not do otherwise than bring it on as a matter of privilege. He should not detain the House long, however, with his statement in proposing the Motion of which he had given notice.

MR. DISRAELI did not wish to dispute the point whether this were a question of privilege. What he wished to place before the House was this—that this was a question which had been decided—["No, no!"]—that Mr. Speaker had ordered the Member for Greenwich to withdraw—that he had withdrawn—and that, therefore, it was unnecessary to have any further discussion upon it.

LORD JOHN RUSSELL said, that that was certainly not the view which he had taken of it, nor did he think it the view which the House would take of it. He considered it necessary for the hon. Member for Greenwich to withdraw, and then it was for the House to come to a decision upon the matter afterwards. He had thought that any person who was disposed to take a different view of the law from that which had been taken last year, ought to have an opportunity of stating that view. He would, therefore, now proceed to make the Motion of which he had given notice.

DAVID SALOMONS, ESQ.—THE OATH OF ABJURATION.

LORD JOHN RUSSELL proceeded: The Motion is this:—

> "That David Salomons, Esq., is not entitled to vote in this House, or to sit in this House during any Debate, until he shall take the Oath of Abjuration in the form appointed by Law."

When we had this question before us last year, the matter was so much debated, that certainly I shall not think it necessary to say so much upon the question of the law of the case. I have stated, more than once, to the House, that it appears to me that the statutes which make it incumbent on us to require that the oath of abjuration shall be taken by a Member before he takes his seat, are the Acts which are found recited in the report of the Committee upon this subject, one being the 10th George I., c. 4, and the other the 13th George II., c. 7. Now, in those Acts there are certain provisions made with respect to Jews taking oaths; and it is stated, in the first of them, "that whereas the following words are contained in the latter part of the oath of abjuration, namely, 'upon the true faith of a Christian;'" and then it goes on to enact that, in certain cases, those words "on the true faith of a Christian" are to be omitted from the oath. It is to be observed that this is a temporary Act, that it is not of a permanent nature referring to all cases, but referring to certain cases in which the oath of abjuration is to be taken by all persons. The second Act is entitled, An Act for Naturalising such Foreign Protestants, and others therein mentioned, as are settled or shall settle in any of His Majesty's Colonies in America. And then again it says—"And whereas the following words are contained in the latter part of the oath of abjuration, namely, 'upon the true faith of a Christian;' and whereas the people professing the Jewish religion may thereby be prevented from receiving the benefit of this Act," &c. Now, it certainly appears to me, if Parliament thought it necessary, in order to enable Jews in certain cases to take the oath without those words, that an Act of Parliament should be passed for that purpose, that it follows as a consequence that where Parliament has made no such provision, those words must be repeated. I own I have felt, without going into further arguments on the subject, the strength of that to be such that I have been unable to come to the conclusion which I should willingly do, that we can act here as the House did in the case of Mr. Pease, and say that these words may be omitted from the present case. Some hon. Members of this House have asked the question how it was possible that we should have admitted Mr. Pease to take his seat, when we would not allow Baron Rothschild to take his. Certainly I was inclined in the Committee which sat upon this subject to think that the House might have been in error with respect to the admission of Mr. Pease; but I must say that very great distinctions were pointed out between the state of the law as existing with regard to the sect called Quakers when Mr. Pease came to take his seat, and the state of the law with regard to Jews when Baron Rothschild came to take his seat. And there was a question put by Sir Robert Peel in that Committee, which appears to me to contain the argument upon that subject in the form of a recital. Sir Robert Peel asked Mr. Pease—

"Will you allow me to call your attention to the enactment which is contained in the 20th George II., chap. 44? The preamble is as follows:—'Whereas a doubt hath arisen, whether the solemn affirmation or declaration of the people called Quakers, prescribed by an Act made in the eighth year of the reign of his late Majesty George I., entitled, 'An Act for granting the people called Quakers such forms of affirmation or declaration as may remove the difficulties which many of them lie under,' can be allowed and taken instead of an oath in any case wherein, by an Act or Acts of Parliament, an oath is required, unless the said affirmation or declaration be by such Act or Acts of Parliament particularly and expressly directed to be allowed and taken, instead of such oath, by reason of which doubt the testimony of the said people called Quakers is frequently refused, whereby the said people and others requiring their evidence are subjected to great inconveniences.' Then it enacts for removing the said doubt, 'That in all cases wherein any Act or Acts of Parliament now in force, or hereafter to be made, an oath is, or shall be allowed, authorised, directed, or required, the solemn affirmation or declaration of any of the people called Quakers in the form prescribed by the said Act, made in the eighth year of his late Majesty's reign, shall be allowed and taken, instead of such oath, although no particular or express provision be made for that purpose in such Act or Acts; and all persons who are or shall be authorised or required to administer such oath, shall be and are hereby authorised and required to administer the said affirmation or declaration; and the said solemn affirmation and declaration so made as aforesaid shall be adjudged and taken, and is thereby enacted and declared to be, of the same force and effect, to all intents and purposes, in all courts of justice and other places where by law an oath is or shall be allowed, authorised, directed, or required, as if such Quaker had taken an oath in the usual form; and if any person making such affirmation or declaration shall be lawfully convicted of having wilfully, falsely, and corruptly affirmed and declared any matter or thing which, if the same had been deposed in the usual form, would have amounted to wilful and corrupt perjury, every person so offending shall become subject to the penalties of perjury.' The Act was passed in the 20th of George II., and was, I apprehend, the law in force at the time you claimed to take your seat in the House of Commons. By that law there are three provisions: first, that in all cases the affirmation or declaration of Quakers should be equivalent to an oath; secondly, that all persons empowered or required to administer an oath should, in the case of Quakers, be empowered and required to administer a declaration; and, thirdly, that the violation of the engagements taken in the declaration should be equivalent to a violation of those taken by the oath. Was it in virtue of this enactment that you claimed your right to take your seat in the House?"

Now, without going into further arguments upon this subject, I think it very clear that by the Act the 20th of George II., there was a power given to all persons who were authorised to administer oaths, whenever oaths had to be taken, to administer an affirmation to Quakers. There is no such general law with regard to the Jews. I complain of that state of the law. I think it a very great hardship upon the Jews; but there is a clear difference, as pointed out by Sir Robert Peel, between the state of the law as to Quakers, when Mr. Pease came to take his seat, and the state of the law as to Jews, when Baron Rothschild came to take his seat. I now beg to move the Motion which I have read to the House.

Motion made, and Question proposed—

> "That David Salomons, esquire, is not entitled to vote in this House, or to sit in this House during any Debate, until he shall take the Oath of Abjuration in the form appointed by Law."

MR. CHISHOLM ANSTEY said, that the noble Lord said the Act under which the abjuration oath was supposed to be administered (he said "supposed," because there was in reality no Act which required it), had been relaxed in favour of the Quakers before the admission of Mr. Pease to take his seat in that House. If that were so, he wished to know what was the utility of the Resolution under which Mr. Pease was actually admitted? If the Act of Parliament was sufficient, the form was there, and why was not Mr. Pease sworn according to the form in the Act of Parliament? The fact was, that at that time there was no such Act of Parliament. The only Act under which members of the Society of Friends now took their seats in that House, was one passed subsequently to the admission of Mr. Pease. Mr. Pease was seated by a Resolution of that House; the form of affirmation on which he was sworn being submitted to and approved by the Committee of Inquiry which sat upon his case, and being afterwards enacted by an Act of Parliament passed subsequently, not for the purpose of giving validity to Mr. Pease's election and seat in that House, but in order to make the practice of both Houses of Parliament uniform. He now begged to call the attention of the House to a portion of that most important Act to which the noble Lord had referred, the 8th of George I., c. 6, entitled, "An Act for Granting the People called Quakers such forms of Affirmation or Declaration as may remove the Difficulties which many of them lie under," which, he contended, concluded for ever all doubt and difficulty upon the subject. The words were—"Instead of the form prescribed by the said Act, every Quaker shall take the effect thereof in the following words:—'I, A. B., do solemnly, sincerely, and truly acknowledge, protest, testify, and declare,' &c." Then followed the language of the abjuration oath, down to the close, when these words were substituted:—

> "And all these things I do plainly and sincerely acknowledge, promise, and declare, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever; and I do make this recognition, acknowledgment, renunciation, and promise, heartily, willingly, and truly."

The effect of the oath of abjuration had, therefore, been declared by an Act of Parliament to be contained in that portion of the oath which followed the words of abjuration at the commencement, and which ended with the words, "willingly and truly," at the conclusion of the oath. He asked the noble Lord at the head of the Government whether he had marked this significant declaration by Parliament of the meaning and import of the oath of abjuration? It showed that the effect of the oath was alone important in the eyes of the Legislature. The Legislature did not release Quakers from the obligation of taking the effect of the oath; but, as Quakers could not take it in the form of an oath, the Legislature omitted the solemnity. He considered that the Resolution adopted in the case of Mr. Pease was altogether inconsistent with the Resolution which the House was now called upon to pass. The hon. Member for Greenwich asked to have the legal question referred to the proper authority, and the Government refused him the opportunity he sought for; he was forced, by the decision of the House, to withdraw, and leave the case to his (Mr. Anstey's) humble advocacy, and to the advocacy of other hon. Members, who, however great their talent might be, were not so competent to present the case in its true aspect as the hon. Gentleman himself, if the House had agreed to hear him, where alone he ought to be heard, in his place. He (Mr. Anstey) had disposed of one of the arguments of the noble Lord, and there was but one other. The noble Lord had said that if Parliament had on one or two occasions legislated in a specific manner, and for a specific purpose, and went not beyond that, they were bound to conclude that at common law there was no general power of going beyond the letter of the Act of Parliament, and applying it to cases to which such specific legislation did not directly apply. The noble Lord was mistaken, for, unless the common law was distinctly taken away by an Act of Parliament, the common law and the Act of Parliament went side by side. If Parliament thought fit to pass an Act relating to a case already provided for at common law, the common-law right and the statutory right existed together, unless there were words in the Act which abolished the common-law right. The noble Lord decided the point of law to his own satisfaction, but certainly not to his (Mr. Anstey's). If the noble Lord contended that in consequence of the specific legislation in the reign of George III., a Jew could not now take the oath of abjuration except with all the forms and ceremonies that accompanied the oath when taken by the Christian, he was supporting his case by an argument that was false in fact, and erroneous in law. The House had decided that there was the general right in the case of Mr. Pease, and the Jew was entitled to get the advantage of that decision, unless it were shown that there was some Act of Parliament which took away, in the case of the Jew, the common-law right that existed in the case of the Quakers. The noble Lord at the head of the Government and he (Mr. Anstey) were at issue on this point. As a constitutional or Parliamentary authority, he held the noble Lord in the highest respect; but as a legal authority, the noble Lord not being a lawyer, he held him in no respect at all. Against the noble Lord's opinion was to be placed the opinion of the hon. and learned Gentleman the Member for Aylesbury (Mr. Bethell); and even if the House thought that the noble Lord was a higher authority than his hon. and learned Friend, or an equal authority, or that the authority of the noble Lord could be balanced against that of his hon. and learned Friend, let the House not rashly suppose they were all in error; let them, at all events, suppose it was a case of doubt; let them postpone the decision of the question, for which they were clearly inadequate, and leave it to be decided, with all the help and appliances which a learned Bar could give in a court of competent jurisdiction. With regard to the mode in which the opinion of such a court could be obtained, he thought the course suggested by the hon. Gentleman the Member for Marylebone (Sir B. Hall), in the first instance, was the fittest course. His hon. Friend had stated, on the occasion to which he referred, that it was the wish of the hon. Member for Greenwich that a prosecution should be instituted against him under the authority of the Crown, for the purpose of trying the question at law, he being willing to submit to the penalties—if penalties were inflicted upon him—consequent on the act which was made the subject of prosecution. The noble Lord denied to him that opportunity; and the hon. Member for Greenwich then gave notice, through the hon. Member for Marylebone, that he would take a course that would oblige the House at least to prosecute. The hon. Member had taken that course; he had done more even than the occasion required, or than his pledge bound him to do. No man could say that he had shown any want of courage or skill in the conduct of his own case; he had incurred the penalties for three votes ~~he had~~ given, and for three times he had taken his place in the House; and it was now his (Mr. Anstey's) intention to move, in substitution of the Resolution of the noble Lord, an instruction to the Attorney General of England, to prosecute his hon. Friend, not in the name of the Government, who had refused to prosecute, and deliberately abdicated the right to do so, but in the name of the House, whose dignity was concerned. It would not do to meet this challenge with an idle jest, or with the levity of insinuation with which they had been favoured on the preceding day. It would not do to tell them that, if his hon. Friend desired a prosecution, he might prosecute himself, or get a friend to prosecute him. There was no doubt that a prosecution would be instituted by some person, if the House, unmindful of its dignity, did not interfere. No doubt, the common informer would be set in motion; but would not a prosecution under the authority of the Attorney General be more consonant with the dignity of the House, than to have a prosecution instituted by some person for his own base pecuniary ends? There was no precedent for the course the hon. Member for Greenwich had taken, as there was no precedent for the great injustice that had been done him. Then what was the conduct pursued towards his hon. Friend? He offered a defiance to those who declared they were ready to take it up; but what took place? His hon. Friend was led away to the bar by the Serjeant-at-Arms, who left him at the door, and did not place him in confinement. His hon. Friend now challenged them to set in motion against him the other tribunal to which the decision of the question was by Act of Parliament referred, but the House would not proceed to do so. The House, if they were to understand the intimation of the hon. and learned Member for Abingdon (Sir F. Thesiger), would not venture to direct that a new writ should issue; and therefore the House was not to decide the question, but to shove it over to next Session, and leave the consequences to chance. There was, however, another tribunal to which the question might be referred—a court of justice. The 13th William III. enacted, that if any person who then was, or hereafter might be, a Member of the House of Commons, should presume to vote, not having taken and subscribed the oaths, he should thenceforth be deemed and adjudged a Popish recusant convict, to all intents and purposes whatsoever, and should be disabled to hold or execute any office or place of profit or trust, civil or military, in these realms, or to sit or vote in either House of Parliament, &c.; and it was further provided that "he shall forfeit for every wilful offence against this Act the sum of 500*l.*, to be recovered and received by him or them that shall sue for the same, and to be prosecuted by any action of debt, suit, bill, plaint, or information in any of His Majesty's courts at Westminster." He (Mr. Anstey) wished the Attorney General to sue for this penalty, or if he preferred it, let him prosecute by proxy. He (Mr. Anstey) could tell the House that there was, out of doors, among the British public, such a feeling upon this question that they would not sit tamely by and see the rights of the subject, the privileges of constituencies, and the franchises of the realm, voted away, destroyed, and trampled under foot upon no better authority than by a hasty Resolution of one House of Parliament.

Amendment proposed—

> "To leave out from the word 'esquire' to the end of the Question, in order to add the words 'Member of Parliament for the Borough of Greenwich, having sat and voted in this House without having taken the Abjuration Oath in the words contained and set forth in the form tendered unto him at the table, the Attorney General of England be ordered to institute proceedings against him at Law for such default,' instead thereof."

Mr. C. Anstey

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. BERNAL OSBORNE seconded the Amendment.

Sir BENJAMIN HALL begged to ask the hon. and learned Gentleman to withdraw his Amendment, more especially in consequence of the answer which had been given by the noble Lord to a question put to him, that he would not take the course which was suggested by the Amendment of the hon. and learned Gentleman. He asked to have the Amendment withdrawn, for the purpose of having another Amendment brought forward.

Mr. CHISHOLM ANSTEY would not, as another Amendment was to be moved, press his proposition against the opinions of the hon. Gentleman near him.

Amendment, by leave, *withdrawn.*

Mr. BETHELL begged to call the attention of the House to another Amendment on the Motion of the noble Lord, in which, he thought, was embodied the real question requiring their deliberate attention. The Amendment which he was about to submit to the House, was this:—

> "That Baron Lionel de Rothschild and Alderman Salomons, having taken the oaths of allegiance and supremacy, and also the oath of abjuration, in the manner in which this House is bound by law to administer the same, are entitled to take their seats as Members of this House."

The important words of the Amendment, and to which he wished particularly to call the attention of the House, were those declaring that Baron Rothschild and Mr. Salomons had taken the oaths in the manner in which the House was bound by law to administer them. It was his deliberate opinion that the question of law had not been fully discussed, with all the advantages and assistance that could be derived from a more perfect examination of the Statute-book; no opportunity having yet been given of bringing the question in that way under the attention of the House. He must humbly submit that there must be a better reply given to the observations which he had laid before the House, than had been yet offered to them. If any person examined the statutes, they would find this to be the state of the enactments. The 9th Geo. I. threw upon the subjects of the realm, including, of course, the members of the Jewish persuasion, the obligation to take the oath of abjuration. They had to take the oath of abjuration in the form and manner in which the oath was laid down and worded in that statute; but the Legislature, observing the absurdity, came to the relief of the Jews by the declaratory enactment which was contained in the 10th Geo. I.—a statute that was temporary, certainly, so far as it enlarged a particular meaning in the statute of 9th Geo. I., but a statute that was universal and perpetual, so far as it annexed to the anterior statute of 9th Geo. I. the proviso in favour of the Jews. So long as that obligation existed, or any similar obligation, the legislative declaration of 10th Geo. I. accompanied that obligation, and that declaration was directly in favour of the exemption of the Jews. The noble Lord had, with respect to this statute, arrived at quite a contrary conclusion, and in support of his reasoning had borrowed the observations of the hon. and learned Member for Abingdon (Sir F. Thesiger), which were made upon a superficial examination of the Statute-book. He said the 10th Geo. I. had expired, and that it was necessary to introduce another enactment; but he (Mr. Bethell) derived from facts an opposite conclusion. The enactment in the 10th Geo. I. was a Parliamentary declaration that the rule already existing in the courts of justice with regard to the administration of any oaths to Jews, should be adopted in every place with reference to the administration of the abjuration oath. The courts of justice had outstripped the Legislature. They had, however, to deal only with judicial oaths, and the oath in question was a political or civil oath. It was an oath imposed, not with reference to judicial proceedings, but with reference to the exercise of political and civil liberties. The Legislature declared that the rule of the court of justice with reference to the administration of oaths for official purposes, should be the rule adopted by the Legislature and other authorities in the administration of the oath of abjuration, which was a political or civil oath. Let them observe the language of the section of the Act of Parliament:—

> "That taking the oath by such persons professing the Jewish religion, without the words aforesaid, in like manner as Jews are admitted to be sworn to give evidence in courts of justice, shall be deemed to be a due taking of the abjuration oath within the meaning of this and the said recited statute."

The 1st of Geo. I. made it obligatory upon Members of Parliament to take the oath, but it was not of universal operation as it respected the community. The statute of 9th Geo. I. made the obligation to take the oath universal—it affected all the members of the community, all the subjects of the realm. It was made the condition of exercising certain political and civil liberties, and the Jew was recognised as a subject that could claim these liberties. The Legislature found the precepts of the common law established with reference to oaths generally in courts of justice; but the oath of abjuration was a creature of the Legislature, and it was not an oath known to the common law. The Legislature, therefore, in this statute took the general common-law principle applicable to oaths generally, and applied it to the oath of abjuration by a declaratory enactment. If, therefore, the oath of abjuration recognised by that statute had an obligation which was universal on all the members of the community, it followed that the exemption which was created by a subsequent statute was coincident with the obligation; and, as far as the Jew was concerned, there was imported into all courts and all places the common-law principle which had been recognised in courts of justice. He humbly submitted, therefore, that instead of the noble Lord being warranted in deriving from the particular words of the enactment anything like a conclusion that the Act had expired, and that a new enactment was necessary, he would have found here, if he had interpreted the words in a liberal spirit (in which all remedial acts should be interpreted), a declaration of an universal principle, a principle known to the common law, and by this enactment recognised and universally introduced; so that this statute was to be accepted as a legislative recognition of the right of the Jews to have the principle that was adopted in courts of justice carried into other places, and the House was bound by this legislative declaration, as well as by general principles, to administer the oath to the Jew in the manner referred to. The same principle was recognised in the 13th Geo. II., and 20th Geo. II. The oath of abjuration was now administered under the 6th Geo. III., the last Parliamentary definition of its form, and that Act accompanied the obligation to take the oath with the proviso that it should be taken "with due observance of the same requisites, and with benefit of the same savings, provisoes, and indemnities as by the 1st Geo. I., or by any other Acts, or any part of them, then subsisting, were directed and enacted." The noble Lord had again adverted to the case of Mr. Pease, and he had read a part of the examination of that hon. Member by Sir Robert Peel. There was another and a very important part of the evidence given by the hon. Member, which the noble Lord had not read. The House on that occasion took upon itself to alter, and modify, and mould the form of the oath, having no authority to do so except the general authority so to apply the formula that the oath might be administered in the manner binding upon the conscience of the party required to take it, and who had a right to have it administered. The House was bound to administer the oath to the Jew; the Jew was bound to take it. But if the House held itself bound to administer it with the annexation of the particular formula in question, it would confess that the law had placed it in this position, that it was bound to act, and yet unable to act. In short, the House had been reasoning from false premises, and had brought itself into a false position, in which it recognised an obligation, without having the power to perform it; admitted a right, and yet was obliged to negative it—a position into which the House had brought itself by taking up a principle, and then stopping short and refusing to follow it out. It was followed to a certain extent by the admission of the Jew's right to take the oath, and upon the Old Testament; but the position was not followed to its legitimate consequences. Much more might be ascertained upon this subject; and, if Members were not prepared to follow him (Mr. Bethell) to the conclusion to which he believed they ought to come—to which he thought their own proceedings would compel them to come—and to which, in the judgment of all thinking men outside the House, they ought to come—they might consent to refer the matter to a Committee to investigate the law upon the manner in which this oath of abjuration was to be administered. He regretted that the noble Lord, finding the admission of Jew Members opposed only upon technical objections which could be answered in the most triumphant manner upon well-known principles of law, had shrunk from meeting this petty trifling technicality, and brought forward a declaratory Act—an Act which was superfluous and unnecessary, for the law had been declared already by judicial decision

and by statute. The hon. and learned Member concluded by moving his Amendment.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'Baron Lionel Nathan de Rothschild and David Salomons, esquire, having taken the Oaths of Allegiance and Supremacy, and also the Oath of Abjuration, in the manner in which this House is bound by Law to administer the same, are entitled to take their Seats as Members of this House,' instead thereof."

The ATTORNEY GENERAL was anxious, as one of those who had all along supported the removal of Jewish disabilities, but who had been charged in the course of the debate with having put an illiberal construction upon the Acts of Parliament relating to the question, and with pursuing an illiberal course in this case, to state briefly his view of the question. He apprehended that the duty which the House was called upon in this case to perform was simply a judicial duty: this was no case of policy or liberality, as some hon. Members seemed to suppose—it was their duty to act judicially, and to protect, as far as possible, the rights of their Members. The Legislature had imposed a certain oath to be taken by every Member of that House, and had done so in a certain form of words, and the only question which they had now to decide was, whether these words were to be regarded merely as part of the formal incidents of the oath, or whether they were intended as the essential part and substance of the obligation: this was a question upon which he had come to a conclusion, though after what the hon. and learned Member (Mr. Bethell) had said, he would not say it was a question free from doubt. A careful consideration of the historic circumstances connected with the original introduction of the oath confirmed him in the opinion that the last of these two propositions was the correct one; and he thought that those who contended that the wording of the oath might be moulded and modified from time to time, to suit the circumstances of those by whom it was to be taken, had omitted all reference to the history of the oath, and the objects for which the Legislature originally imposed it. But this was an important element in the consideration of the question. The oath was first introduced in the 3rd James I. That statute was passed immediately after the great Gunpowder Plot, and was described as being "for the better discovering and repressing of Popish recusants." It was directed against Roman Catholic recusants, and the chief object of the oath directed by that Act to be taken—a combination of the present oaths of abjuration and allegiance—was to afford a test of a man's religious belief. The Jesuits were thought to be the main instigators of the Plot, as would appear evident to any one who would take the trouble of reading the report of the trial of Garnett, a member of the Jesuit order, who was charged as a participator. Sir Edward Coke prosecuted on the occasion, and the greater portion of his interrogations, and of those of the Commissioners who presided, were directed to ascertain whether, according to the Jesuits' doctrines with which that order were supposed to have contaminated the faith of the Roman Catholics, an oath might not be taken by a Roman Catholic with mental reservations and equivocations which would enable the party taking the oath to evade its obligation on his conscience. Garnett frankly avowed that that was his view, and that if a man were to put an oath, if the person putting it was not entitled to put it, and it would operate prejudicially to his religion, he might take the oath with a mental reservation evading it. Hence, the object of the Act being to exclude Popish recusants from power, and to prevent the oath being thus evaded, these words were inserted :—

> "All these things I do plainly and sincerely acknowledge and swear according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation or mental evasion or secret reservation whatsoever; and I do make this recognition and acknowledgment heartily, willingly, and truly, upon the true faith of a Christian; so help me God."

AN HON. MEMBER: What has that to do with the question?

The ATTORNEY GENERAL: It has everything to do with it. The Legislature having passed an Act making it obligatory to take a certain oath, the question is, whether it was the intention of the Legislature that the whole of the oath or any part of it should be taken, and the words "on the true faith of a Christian" were put in to make the test so stringent and binding upon the conscience that it could not be evaded, The next statute on the subject was the 20th of Charles II., which was imposed to exclude Jesuits from Parliament. Next came the Act 13th William III., and they all knew that that was passed for the purpose of keeping Roman Catholics out of Parliament and out of power—that it was passed at a time when the King's health was declining, and when the King of France had recognised the pretensions of the son of James II., and when men's minds were agitated as to the safety of the Protestant religion. It was under these circumstances that the Act of William III. was passed to exclude Roman Catholics from power, and in passing it Parliament took the Act of James I. as its model, and introduced the same words into the oath, the opinion still prevailing with regard to the doctrine and intentions of the Jesuits. He thought, then, that, regard being had to the circumstances under which these statutes were passed, and to the object they were all along designed to effect, being no other than that of testing a man's religious belief, the House could not resist the conclusion that it was the intention of the Legislature that the whole of the oath, and not a part only, should be taken, and that the case under consideration was distinguished from those which had been referred to by the hon. and learned Member for Aylesbury, where so long as a man took the oath in substance he might mould and modify the form in such a way as should be most binding upon his conscience. The question in this case was whether the words "on the true faith of a Christian" were matter of form or of substance. That was what they had to decide; and he confessed when he looked at the history of the oath, and the object of the statutes by which it was imposed, he could not bring himself to consider other than that the Legislature did intend that the words should form a substantial and essential part of the oath. But it had been said there is a subsequent statute that alters that—the 6th George III., which the hon. and learned Member (Mr. Bethell) said enabled the oath to be taken with all the immunities and indulgences of the previous statutes then in force. He (the Attorney General) admitted that; but what were the statutes to which his hon. and learned Friend referred? His hon. and learned Friend referred to the two Acts of George I. and George II., as statutes subsisting at the time of the passing of the 6th George III. His hon. and learned Friend had not called the attention of the House to the purpose for which that statute was passed. In the 9th year of the reign of George I. an Act was passed which, reciting that the safety of the Throne and the Government had been endangered by plots and conspiracies emanating from the Roman Catholic portion of the subjects of the realm, and that it was essential to have the means of ascertaining the number of Roman Catholics, and the property they possessed, enacted that all persons should take the oaths of allegiance, supremacy, and abjuration, and in default thereof should submit to their property being registered. The Jews at that time were placed in a remarkable position. They were perfectly willing to take the oaths of allegiance and supremacy; but, as respected the oath of abjuration, the words "on the true faith of a Christian" prevented them taking it. The Legislature offered this indulgence to the Jews, that they should take the oath of abjuration, omitting the words "on the true faith of a Christian," and in the manner taken by them in courts of justice. But if the common law ran concurrently with the statute—if a statutory oath was to be moulded and modified by the freedom of the common law, so as to adapt it to the conscience of the party taking it—what necessity was there for this statute? There was a still stronger argument upon the second statute referred to by the hon. and learned Member for Aylesbury—he thought, by the way, the hon. Member would not have addressed any similar argument to that which he had addressed to the House, to any court of justice. The hon. and learned Member for Aylesbury said that the principle established in the Act of the 10th George I. continued in force, and was revived, by the statute of 13th George III. Now, what was the object of this statute? When that statute was passed, it was desired to promote colonisation in the North American Colonies; and an Act was passed giving to all persons who had resided for a certain time in those colonies, and should take the oaths of supremacy and abjuration, the benefit of naturalisation; but it occurred to the Legislature that the Jews would derive no benefit from this Act, and therefore they were permitted to take the oath, omitting the words "on the true faith of a Christian." Now, if the common law operated in the manner that had been stated, where was the necessity for this enactment? If the statute 10th George I. was a Parliamentary recognition of the right of the Jew to take the oath, with the omission of these words, what necessity was there for the subsequent statute of George II.? The passing of the second statute was a clear proof that

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the operation of the first statute was not that contended for by his hon. and learned Friend. The second statute did not relate to England at all. The first Act was temporary, enabling the Jew to take the oath within a certain time; and the second Act was of a local character, and applied to the North American colonies solely; but the two Acts taken together afforded the strongest argument that the oath prescribed by the statutes of William III. and George I. in the form in which Christians took it, was binding and obligatory, and that nobody could take it in any other form except when enabled so to take it by a special Act of Parliament. Then they were pressed with the 1 & 2 Victoria. What was that Act? Did that Act say that the form of the oath might be altered at pleasure? Certainly not. It said, that if a man took an oath in a particular form, having demanded to take it in that particular form, he should be bound by it, and be liable to the penalties of perjury if he infringed it. This was perfectly right and proper. It was intended as a protection against what might have been a monstrous abuse; because, when you had established the principle that a man might swear in the mode which he declared to be binding on his conscience, it would lead to great abuse if he were allowed to say that such and such a form was binding on his conscience, whereas, according to his religious belief, it was not binding on him. There were men who, by resorting to subterfuges such as these, like witnesses in courts of justice, who kissed their thumb instead of the book, were able to satisfy their consciences. It was to protect the community against such abuses as these that the Act had been passed; but it did not release us, who were bound to see the law properly administered, from the obligation imposed on us to administer the oath in the form required by the statute. Then they were pressed with the precedent of Mr. Pease:—but observe how different was that case from the present. You then had a whole series of Acts of Parliament and legislative provisions, bearing on the whole case of the Quakers, and having especial reference to this oath of abjuration itself, beginning as early as the time of William III. He was ashamed of trespassing on the House with such purely legal arguments, but he felt bound to endeavour to set them right on the question of law. The 7th and 8th William III. enacted, that from and after the 4th May, 1696, any Quaker who was required to take an oath, should, instead of the usual form, be permitted to make a solemn affirmation. Then came the 1 George I., which made the former statute perpetual, and in reference to the oath of abjuration said, that as several doubts had arisen concerning the effect of that oath, it was enacted, that in all cases where the effect of the oath of abjuration was required, the effect should be produced by the words which were there set out. The words of the declaration the Quaker was to take were repeated in the 8 Geo. I. This case, therefore, stood on a totally different footing, and so the Committee thought, to whom the matter had been referred. It was true that another Act was afterwards passed, but the Committee thought it was wholly unnecessary. Here was a clear legislative enactment, that in lieu of the oath of abjuration, the Quaker might make his affirmation after a prescribed form. Nothing more was required. If you had this in the case of the Jew—if the Acts to which the hon. and learned Member for Aylesbury had referred, had been universal and permanent, you wanted nothing more. But the whole difficulty in the case of the Jew was that the common law would not operate, because you had an oath prescribed in a given form, containing words not merely formal, but of the essence of the oath. It was impossible, he thought, for any lawyer to come to any other conclusion than that the words were of the essence of the oath. He was sorry to come to this conclusion, and he wished he could come to an opposite opinion. He admitted that the law as it stood was in a most anomalous and unsatisfactory condition. It was originally passed for the sole purpose of excluding the Roman Catholics; but the words were so comprehensive that it would be inconsistent with the duty of the House to endeavour to evade the obvious meaning of the Act. Here was a positive enactment, which, he admitted, was never intended to apply to Jews at all; and the law upon the subject was now in a most disgraceful state. The Legislature had altered the law with reference to those whom it was originally intended to exclude, and maintained it in all its stringency towards the rest of Her Majesty's subjects; and this they did by an oath, the necessity for which had now happily passed away, and in a case in which, if this House were now called on to legislate, you would not continue the disability, as this branch of the Legislature had repeatedly recorded its opinion that the Jews ought to be admitted into Parliament. But if this law must be altered, this branch of the Legislature could not take upon itself to alter that which had been made law by the Parliament generally. This House had resisted the dispensing power of the Crown on former occasions; and he thought we should be giving the other branches of the Legislature grievous occasion to complain of the course we had adopted, if we dispensed with their sanction of this alteration of the existing law. Anxious as he was to see the Jews admitted into this House, he still thought we must not lose sight, for the end we desired to achieve, of the unconstitutional means to which we resorted in order to achieve it. Therefore he thought the House would do well to adopt the Resolution of the noble Lord, as that of the hon. and learned Member for Aylesbury would lead us into difficulties greater than those in which we were at present placed, and would lead us into a conflict with the other branches of the Legislature, in which we should certainly be in the wrong.

MR. J. EVANS thought the speech of the hon. and learned Attorney General the most satisfactory he had heard on the subject; for the hon. and learned Gentleman had told the House that the oath did not apply to the Jews, and was never intended to apply. He had gone into the history of the Acts of Parliament to show to whom it was intended to apply. It was intended for Christians, who would not understand an oath *secundum animum imponentis* without the form "on the true faith of a Christian." The object was to exclude Jesuits, but not any other class, and not a single word of the oath itself was contained in that form. What was the question to be decided? It was whether the words "on the true faith of a Christian" were of the substance of the oath, or whether that was the form in which the oath was to be administered. All the lawyers in the House were agreed that if it were nothing but part of the form of the oath, or part of the adjuration, and if it were not of the substance, it might be altered to suit the consciences of the persons taking the oath. It was not to be supposed that Jewish subjects were not to take the oath of abjuration. The 10th George I. provided that a Jew, when he took the oath of abjuration, should take it omitting the words "on the true faith of a Christian." It had been argued that a Jew was not previously capable of taking the oath without the words, because an Act of Parliament was necessary to allow him to take the oath with the omission. At that time the law respecting oaths was remarkably unsettled. It was not settled till 1745, when Lord Hardwicke, having to issue a commission to India for the examination of Gentoos, the question arose how they were to be sworn; and, with the concurrence of Chief Justice Lee, Chief Justice Willes, and Chief Baron Parker, a judgment was adopted which settled the law, declaring that a man was to be sworn according to the ceremonies binding on his conscience. The old authority of Lord Coke was questioned and destroyed, Chief Justice Willes remarking that the view of Coke, who had said an infidel could not be a witness, meaning thereby a Jew as well as a heathen, or all who were not Christians, was contrary not only to Scripture, but to common sense and common humanity, and declaring, in allusion to an observation of Coke's, that even the devils themselves, whose subjects the heathens were said to be, could not hold a worse principle, and that it was a most impolitic notion, and would destroy all the trade and commerce by which this nation had so benefited. It had finally been declared by 1 & 2 Victoria, that a man must be sworn according to the dictates of his own conscience. That principle the House had acted on, because the hon. Members for Greenwich and London had been allowed to be sworn on the Old Testament. It was said the House was bound by the decision of last Session. On the 29th of July last year it had been decided, by a majority of 74, that a Jew was entitled to take the oath on the Old Testament, and having done so hon. Members insisted that he should swear "on the true faith of a Christian." The House could not have a better opportunity of getting out of its difficulty than it had at present. With all diffidence he should express it as his opinion that the expression was nothing but a formula introduced as a means of detecting a Papist, and although the Attorney General said it was part of the oath, he (Mr. Evans) was satisfied that no portion of what the person taking that oath promised was left out by the omission of the words "on the true faith of a Christian." He should, for these reasons, support the Motion of the hon. and learned Member for Aylesbury.

Mr. NAPIER wished to state briefly what were the reasons which induced him to concur entirely in the view of the noble Lord at the head of the Government, which had been so ably put forward in an unanswerable speech by the hon. and learned Attorney General. The proposition stated on the other side was, that the House was bound by law to administer the oath to the Jews, omitting the words "on the true faith of a Christian." He understood the hon. and learned Member for Aylesbury to say that the House, in administering the oath, was bound by law to omit those words. He would ask by what law? They had been referred by way of argument to a statute which had expired, which had been passed for a temporary purpose, and it was argued that because the Legislature had interfered to accomplish the change for a temporary purpose, therefore the House of Commons singly was entitled to effect a similar change for the purpose of introducing a Member into that House—an alteration which required formerly the concurrence of both Houses of the Legislature. Would a court of law recognise a Resolution of that House as it would an Act of Parliament? Why, the thing bore its own refutation on its face. What was the use of the Legislature interfering to permit Jews by the omission of these words to obtain civil rights, if the Jews possessed the right by the common law of the land? Why, if that were so, there was no obstacle, no barrier, to prevent them from those civil rights and immunities; but the Legislature did not hold this opinion, and it accordingly interfered. It was no argument to say, because the Legislature interfered for a limited purpose, for which a limited Act of Parliament was necessary, that the House of Commons could now take upon itself the functions of both branches of the Legislature. The argument of the noble Lord at the head of the Government was sound and right, and no argument had been used on the other side to shake his confidence in it. The Act which followed was for a specific purpose. There were two things to be considered in the taking of an oath—the *modus jurandi* and the *juramenta*, or the manner of swearing and the matter of the oath. With the matter of this oath the House had no right to interfere; but with respect to the kissing of the book, which was the *modus jurandi*, the Jew by the common law was sworn on the Old Testament. But the words "on the true faith of a Christian" were by the Legislature itself made part of the *juramenta.*

There was the matter of the oath to be taken in the same manner as in a court of justice. Mr. Stephens, in his edition of *Blackstone*, stated that there were some disabililties to which the Jews were still liable, one being that they would not take the oath of abjuration. At the time the Municipal Corporations Bill went up to the House of Lords, the words "on the true faith of a Christian" were omitted, in order to enable the Jews to participate in the full rights of citizenship. The House of Lords restored the words, and a subsequent Act of Parliament had to be passed, in order to remove the words and enable the Jews to enjoy civic right. This would have been quite unnecessary if the words referred to were considered the *modus jurandi.* The Committee which had drawn up the report upon their table was composed of some of the ablest men in the House. The late Sir Robert Peel, and almost all the lawyers, including Vice-Chancellor Turner, were put upon it, and he quite remembered that Sir Robert Peel, calling his attention to the 7th & 8th William III., which was passed before the time of Archdall, when the House of Commons would not receive that Gentleman's declaration, because Members of Parliament were obliged to take the oaths according to the 22nd of George II., expressed his opinion that this would be an unworthy mode of proceeding if they were to get rid of the difficulty by the course now suggested. The Legislature, by the special provision it had made to meet certain cases, showed that the words formed part of the oath. By the 22nd George II. it was declared that a Quaker could not be permitted to take his affirmation unless there was a specific legitimate substitution of an affirmation for an oath. The words "on the true faith of a Christian" were of substantial and not of casual operation, because the laws under which the oath was to be taken went on the ground that every person was a professing Christian, and was bound by oaths as a Christian. The House was not now engaged on a question of policy, but on one of construction; and he could not find any reason which would enable him to strike out the words "on the true faith of a Christian," which would not entitle him to cut off any other portion of the oath. The Legislature had provided a special form of affirmation for the Quaker; and, therefore, the cause of the Quaker had no application to that of the Jew. There was, he admitted, inconsistency in allowing Baron Rothschild to be sworn on the Old Testament; but it was no reason why, supposing he (Mr. Napier) had been a party to that proceeding, he should do wrong again because be had done wrong before.

MR. AGLIONBY did not, though by profession a lawyer, intend to attempt anything like a legal argument. He could not add to those which had been addressed to the House, nor did he wish to repeat them; but he must express his adhesion to the views of those who were of opinion that the hon. Members for Greenwich and London had taken the oaths in the manner prescribed by law. He thought the arguments of the Member for Abingdon not worth a rush, while those of the Member for Aylesbury were entitled to the highest consideration. He believed that the oath taken by the hon. Member for Greenwich was quite sufficient to fulfil the requirements of the Act of Parliament. The Alderman had declared that he had taken the oath in the form most binding on his conscience, and as that was in conformity with the practice of the courts of justice, he thought that was sufficient in that House. The Alderman had stated that he had put the construction on the oath which was most binding on his conscience, and until the courts decided, he thought the Member for Greenwich was entitled to take the oath which he thought the most binding. He congratulated the House on the change of tone in the debate, owing, probably, to the small number present. To-night the House bore some marks of a judicial tribunal. He felt somewhat in a dilemma as to the Motion of the noble Lord. No Gentleman was entitled to sit and vote in that House before he had taken the oaths prescribed by law. He could not negative that Motion without saying that David Salomons was entitled to vote before he had taken the oath; and he had proposed to move the addition of the words, "but that David Salomons having taken the oaths as appointed by law, was entitled to vote." He should not propose that addition, the Amendment of the hon. and learned Member for Aylesbury having been moved. The House had more than once declared its own construction of Acts of Parliament; and in the absence of any decision by a court of law in the present instance, he called upon them to say what was their construction of the words used at the close of the abjuration oath—whether they were words of form only, or words of substance. If the House could not go that length, why had they allowed the oath to be taken on the Old Testament? When they did so, did they intend it as an insult or as a trap? He contended that in the consideration of this question they ought never to have submitted their privileges to the other House of Parliament. They should have given their own construction of them, and he believed a more unwise thing was never done than putting the question of those privileges into the hands of others. It was not too late, however, to retrace their steps. If the proposition of the noble Lord was carried that night, he hoped he would give notice, as he had done on a former occasion, that next Session he would ask the House to proceed at the earliest opportunity to take into serious consideration the form of the oath of abjuration, with the view of relieving Her Majesty's subjects professing the Jewish religion, and that, by the words "taking into serious consideration," the noble Lord would mean that the House should take the matter into its own hands. He did not despair of getting a satisfactory settlement of the question, even in that Parliament; but, if otherwise, they might depend upon it that the constituencies who had returned Jews would not retrace their steps, but act upon the principle that they were entitled to re-elect them so long as a court of law did not declare it to be illegal.

Mr. HENRY DRUMMOND said, that if the lawyers only were to decide the question, it would be very presumptuous in him, or any other unlearned Member, to address the House. They had heard a great deal upon this subject from lawyers; but he could not believe it to be law when they were told that it rested with every person who took a statutory oath to omit as many of the words of the oath as he pleased. They had all heard of the old saying—

> "As, by the rule that makes the horse' tail bare,
> You pluck it year by year, and hair by hair."

But nobody ever dreamed that that was a receipt for preserving the horse's tail, though it might bid fair for making it a ragged one. Now, what sort of an oath would they have on their Statute-book at the end of ten years if everybody in every court of justice might omit from it as many words as he pleased? He had endeavoured to take the question out of the legal phraseology, in order to make it intelligible to the House, and he hoped he had succeeded. Whatever difference might exist among them as to the principle of this question, or as to the proper mode of acting, he thought there was one result upon which they must all be unanimous, and that was that it was impossible to leave it as it was. He had ever objected to the Jews sitting in that House. He had objected upon the principle, and he continued to do so still; but he would not take advantage of a state of the law which never was intended to affect them, to carry into effect a principle which he could not do fairly otherwise. He should like to have this question fairly brought to issue; but it could not be. He very much doubted the force of the argument which said that this House could not interfere in this matter themselves. If there was any force in that argument, it could only increase their embarrassment, and would not at all help them; for how came it that they had suffered that oath to be taken on the Old Testament? Whether they liked it or disliked it—whether they did it unintentionally or from malice aforethought, he did not know, but they had sold the pass. When a Christian came up to this table and swore on the Bible at large, he acted on the well-known principle—

> "Novo testamento veterum patet;
> Veteri testamento novum latet."

But when a Jew asked for the Bible it was in order to reject the New Testament; and that rejection this House had allowed. Now, how they were to get out of this difficulty he did not know. He did not understand how they could now contend that that House could not alter the essential part of the oath. It was admitted on all hands that the words of this oath were never intended to apply to the Jews. It was contained in a series of Acts against the Jacobites; and it was no fault of the Jews that James II. turned Papist. As things had turned out, however, the Jews had to pay the piper. Nobody suffered but them; and if he believed that those doctrines to which the Attorney General had alluded were less rife at this moment than they were at the time of the State Trial to which he had referred—if he did not know that they were ten time more prevalent now than they were then, he would repeal this oath altogether. But, since they could not do that, he wished some one would fairly propose a Motion to exclude Jews from Parliament. For that he would vote; but he did not like to be compelled to be firing in ambush against the Jews from behind a dyke that was intended to exclude a Sardinian Prince.

Mr. CHISHOLM ANSTEY said, that the Act of the 7th & 8th William III., chap. 84, went no further than to exempt Quakers who refused to take the usual oaths in a court of justice from doing so. The Attorney General referred to the 8th George III. as the Act under which Mr. Pease had been admitted to that House. But that Act merely altered the form of affirmation, made legal by previous statutes, and did not say that on making it a Quaker could be admitted to Parliament; it made a change in the affirmation taken in courts of justice, and permitted it to be taken at the election of Peers in Scotland. If Quakers were permitted to give evidence in courts of justice, and permitted to enter that House on making an affirmation, he could not see why the Jews should not be allowed to take the oaths in the manner most binding and agreeable to them. The oath had substantially been taken by Baron Rothschild and Mr. Alderman Salomons, and the only objection to the mode in which they had taken it was a mere matter of ceremony. What was done by that House in the case of Mr. Pease, was done in virtue of their own inherent privilege, and on a true construction of the spirit of the common law: it was not done under the authority of the letter of any Act of Parliament whatever; and the common law sanctioned the administering of the oath in the way most binding on the conscience of the person taking it. Parliament had decided by a resolution of the House that it could dispense with the mere form if it retained the substance of the oath; and therefore he was of opinion that the Members for London and Greenwich had entitled themselves to take their seats. The words "on the true faith of a Christian" were not necessary, and he was supported in that view by the common law. In courts of justice ignorant persons thought they committed no perjury unless they were sworn in a particular manner; but the common law was very different, and that notion was a fallacy. The 1st & 2nd Victoria, which was introduced by Lord Denman, settled the whole question, and established the principle that the oath most binding on the conscience of the person taking it was the proper form; and he apprehended that on that point there could be no doubt. He thought that the two cases of the hon. Members for London and Greenwich, though they were similar in their results—similar in the silly, idle resolution which had been passed in the onec ase, which the House was invited to repeat in the other—were yet essentially distinct; and that had been well pointed out in the paper which the hon. Member for Greenwich laid yesterday before the House. But no notice had been taken of that paper by the law officers of the Crown. It was evidently their wish to stifle inquiry, to extinguish discussion, and to precipitate a decision. But he hoped that the debates which had taken place last night and to-night, would have all the effect of an appeal from Philip drunk to Philip sober; and he did trust that the House would now repent of its folly, and rescind its resolutions.

Sir ROBERT H. INGLIS said, that this was a question upon which lawyers had an especial right to be heard; but he did not think the hon. and learned Member for Youghal was entitled to be an authority without appeal. The hon. and learned Member for Youghal appeared to him to be fighting against an unknown antagonist, when he contended against a doctrine which he (Sir R. H. Inglis) had not heard maintained in the House, namely, that Parliament had not power to alter the oath. Nobody had asserted that proposition. The question was not whether Parliament had power to alter the oath, but whether one branch of the Legislature had power to alter it; and on that point he contended that this House had no more power to alter the oath, than the other House and the Supreme Power in the State had power to make an alteration without the consent of this House. The hon. Member for West Surrey (Mr. H. Drummond) had expressed a wish that some hon. Member would bring forward a Motion to settle the question by excluding Jews *eo nomine* from Parliament. He (Sir R. H. Inglis) should cordially concur in the success of such a proposition; but while he should rejoice in the success of any measure which would re-establish without the shadow of a doubt the Christian character of the Legislature of this country in all its integrity, still he should infinitely prefer that the two hon. Gentlemen who were named in the proposition of the hon. and learned Member for Aylesbury should be introduced into this House by what might be called an accident in their legislation, rather than that the

House should deliberately, and of set purpose, pass an Act which would destroy the Christian character of the House. It was said that previous to the enactment of this Act, there was no law to exclude Jews from Parliament, and that their exclusion by means of this oath was an accident. Now, even if he were, for the sake of argument, to admit it, yet he must repeat again what he had formerly urged—and to which he had never heard an answer—that whether these words "on the true faith of a Christian," were or were not introduced previous to the time of James II., still the oath was administered on some symbol, or some book, or relic, which was closely connected with the Christian religion, so that it would exclude any Member of the Jewish persuasion from taking it. He should be glad to know whether it was any longer in their power to administer the oaths in any form to the hon. Member for Greenwich, after he had distinctly refused to take the three oaths according to the forms prescribed by law, and yet had sat and voted in that House. In his apprehension the hon. Member had, to say the least of it, incurred the forfeiture of his seat in Parliament. It was not only pecuniary penalties which the hon. Member had incurred, though these might be more than even his wealth might be able to meet; but he had also, in his (Sir R. H. Inglis') apprehension, incurred the forfeiture of the dearest hopes of his ambition—a seat in the House. He regretted that the hon. and learned Member for Abingdon (Sir F. Thesiger) had withdrawn his Motion, and he hoped that some other hon. Member would afford the House an opportunity of deciding whether or not the Speaker should not issue his writ to the Clerk of the Crown for the issue of a new writ for the borough of Greenwich. He would say again, deeply as he should grieve that any one not a Christian should legislate for the Church and realm of England, that had been Christian for the last fifteen centuries—still he would infinitely prefer that that event should happen as the result of an inadvertence, as a mistake, as that which nobody had contemplated as likely to happen, rather than that the House should deliberately abandon its Christian character by expunging from the Statute-book the declaration that all their legislation should be conducted by men who acted on the true faith of a Christian.

Question put, "That the words proposed to be left out stand part of the Question"

The House *divided* :—Ayes 118; Noes 71 : Majority 47.

List of the AYES.

Acland, Sir T. D.
Adair, R. A. S.
Adderley, C. B.
Arbuthnott, hon. H.
Archdall, Capt. M.
Baines, rt. hon. M. T.
Baird, J.
Baring, rt. hon. Sir F.T.
Barrington, Visct.
Barrow, W. H.
Bellew, R. M.
Birch, Sir T. B.
Blandford, Marq. of
Bowles, Adm.
Brisco, M.
Burroughes, H. N.
Campbell, Sir A. I.
Cardwell, E.
Child, S.
Christopher, R. A.
Christy, S.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clive, H. B.
Cockburn, Sir A. J. E.
Coles, H. B.
Collins, T.
Compton, H. C.
Craig, Sir W. G.
Crowder, R. B.
Denison, E.
Denison, J. E.
Duncuft, J.
Dundas, Adm.
East, Sir J. B.
Egerton, W. T.
Elliott, hon. J. E.
Estcourt, J. B. B.
Fergus, J.
Ferguson, Sir R. A.
Fitzwilliam, hon. G. W.
Fox, S. W. L.
Freshfield, J. W.
Frewen, C. H.
Gilpin, Col.
Goold, W.
Gordon, Adm.
Gore, W. O.
Goulburn, rt. hon. H.
Grogan, E.
Gwyn, H.
Halford, Sir H.
Hamilton, G. A.
Hanmer, Sir J.
Hawes, B.
Henley, J. W.
Herries, rt. hon. J. C.
Hindley, C.
Hodges, T. L.
Hodgson, W. N.
Hotham, Lord
Howard, hon. C. W. G.
Inglis, Sir R. H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knightley, Sir C.
Knox, hon. W. S.
Labouchere, rt. hon. H.
Lacy, H. C.
Lewis, C. C.
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Lowther, hon. Col.
Manners, Lord C. S.
Masterman, J.
Maxwell, hon. J. P.
Monsell, W.
Morris, D.
Mullings, J. R.
Mundy, W.
Napier, J.
Newdegate, C. N.
Newport, Visct.
O'Brien, Sir L.
Ogle, S. C. H.
Packe, C. W.
Palmer, R.
Palmerston, Visct.
Parker, J.
Portal, M.
Prime, R.
Pusey, P.
Reid, Col.
Renton, J. C.
Ricardo, O.
Richards, R.
Romilly, Sir J.
Russell, Lord J.
Sibthorp, Col.
Somerville, rt. hn. Sir. W.
Spooner, R.
Stafford, A.
Strutt, rt. hon. E.
Stuart, H.
Stuart, J.
Thesiger, Sir F.
Tyler, Sir G.
Vane, Lord H.
Waddington, D.
Waddington, H. S.
Walpole, S. H.
Whiteside, J.
Wigram, L. T.
Williamson, Sir H.
Willoughby, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the NOES.

Adair, H. E.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Anstey, T. C.
Armstrong, R B.

Bass, M. T.
Bell, J.
Boyle, hon. Col.
Bright, J.
Brotherton, J.
Brown, W.
Butler, P. S.
Clay, J.
Clay, Sir W.
Crawford, W. S.
Dashwood, Sir G. H.
Dawes, E.
D'Eyncourt, rt. hn. C.T.
Duke, Sir J.
Duncan, G.
Evans, Sir De L.
Evans, J.
Ewart, W.
Forster, M.
Fox, W. J.
Gibson, rt. hon. T. M.
Granger, T. C.
Hall, Sir B.
Hastie, A.
Henry, A.
Heywood, J.
Hobhouse, T. B.
Kershaw, J.
Langston, J. H.
Locke, J.
Lushington, C.
M'Cullagh, W. T.
Milnes, R. M.
Molesworth, Sir W.
Murphy, F. S.
Norreys, Lord
O'Brien, J.
O'Brien, Sir T.
O'Connell, M. J.
Osborne, R.
Pilkington, J.
Power, Dr.
Reynolds, J.
Ricardo, J. L.
Robartes, T. J. A.
Sadleir, J.
Salwey, Col.
Scholefield, W.
Scobell, Capt.
Scully, F.
Seymour, H. D.
Smith, J. B.
Spearman, H. J.
Tancred, H. W.
Tennent, R. J.
Thompson, Col.
Thompson, G.
Thornely, T.
Tollemache, hon. F. J.
Wakley, T.
Walmsley, Sir J.
Wawn, J. T.
Williams, W.
Willyams, H.
Wilson, M.
Wood, Sir W. P.

TELLERS.

Bethell, R.
Smith, J. A.

Original Question again proposed.

MR. BRIGHT said, the noble Lord at the head of Her Majesty's Government, at the close of the proceedings last night, stated that, if the hon. Member for Greenwich conceived it would advance his object, or tend to the more fair discussion and settlement of the question in which the hon. Gentleman was so deeply concerned, he (Lord John Russell) would not object to his being heard at the bar of the House, with regard to his claim to a seat therein. Now the hon. Member for Greenwich had not, up to this point, taken the course of asking the House to allow him to be heard either in person or by counsel at the bar; and he (Mr. Bright) was not authorised in any degree to say that the hon. Gentleman, on any occasion, would take any such course. But another course had been taken to-night, which had been productive of considerable advantage to the cause of the hon. Member for Greenwich. The hon. and learned Member for Aylesbury (Mr. Bethell) had submitted to the House a distinct proposition by way of Amendment, and expressed his opinion that two members of the Jewish persuasion having been elected to that House, and having taken the oaths in such manner as the House was bound by law to administer the same, were entitled to sit and vote in the House. Upon that Motion and Amendment there had been a debate of several hours; and the House had decided by a not large majority, that the Amendment should not be put, but that they should proceed to decide upon the Motion of the noble Lord at the head of Her Majesty's Ministry. But it might be that after they had proceeded to that point, the hon. Members who were excluded heretofore by the vote of that House, might think it important to their object, in the prosecution of their claim to sit there, to ask the noble Lord and the House that they should be heard themselves or by counsel, as the case might be, in the prosecution of their claim. He had no authority to say that they would make any such request; but still he would request the noble Lord not to press the Resolution which he submitted that night, for he took it for granted that, if once passed, it was the intention of the House that they should not be at liberty to take any further steps in order to enforce their right to a seat in the House. The hon. and learned Member for Aylesbury had made a suggestion, which was well worthy the consideration of the noble Lord and of the House. If the noble Lord, notwithstanding, persevered in the course which he recommended to the House, he thought that every unprejudiced man in the House, and he believed there were many unprejudiced men on both sides, would say that he was taking a course which was not sanctioned by the most distinguished lawyers in the House—a course which, however it might suit the noble Lord and hon. Gentlemen opposite, was, to say the least, open to extreme doubt—a course which would inflict the direst injustice on the hon. Member for Greenwich, and do a great constitutional wrong to the constituency which sent him to that House. The hon. and learned Member for Aylesbury had delivered his sentiments with so much solemnity and earnestness that no person who heard him could doubt but that he was thoroughly convinced of the truth of the position he laid before them. The hon. and learned Member suggested that another Committee should be appointed for the purpose of reconsidering the question, with all the additional light which had been thrown upon it within the last few days. The noble Lord must be aware by this time, from the position in which he stood, that he was not infallible, for he had landed himself upon a nest of difficulties, from which he never could extricate himself unless he took the advice of those by whom he was opposed on the present occasion. The appointment of another Committee could not possibly place them in a worse position than they were in at present; for if the Committee reported that the law was so emphatic that they must reject the claim of the hon. Member for London and the hon. Member for Greenwich, they could reject them with some show of authority and reason; but if, on the other hand, they reported, that—taking the precedent of Mr. Pease and the state of the law into their consideration—for both precedent and law should be considered—that these Gentlemen might be admitted to take their seats notwithstanding the omission of these words, then this great difficulty would be solved with perfect honour to the House, and without doing wrong to the Gentlemen who were hitherto rejected, or to the constituencies by whom they were returned. He would only make one further observation, in order to show the difficulty in which the noble Lord had placed himself by the half-way proceeding he had adopted in allowing the two Members to be sworn on the Old Testament, whilst at the same time he would not allow them to omit the words "on the true faith of a Christian." In the Bill which the noble Lord drew up with the aid of the legal officers of the Crown, and which consisted of but one clause, the noble Lord thought it necessary not only to allow Jews to omit the words "on the true faith of a Christian," but to take the oath on the Old Testament. That was a proof that the law officers of the Crown believed it necessary that there should be an Act of Parliament to enable the Jews to take the oath on the Old Testament; and yet, notwithstanding that belief, the noble Lord and the House allowed these two Gentlemen to take the oath on the Old Testament, whilst he would by no means excuse them from uttering the words "on the true faith of a Christian." That was a complete giving up of the ground on which the noble Lord now attempted to stand. The hon. and learned Member for Abingdon was therefore more logical in the view he took. But having allowed them to be sworn on the Old Testament, he thought they should be dispensed from the requirement of uttering the words "on the true faith of a Christian." That appeared to him to be the reasonable way of getting over the almost insurmountable difficulties of the question. The noble Lord, from a theoretic regard to the constitution, was practically violating it. They should construe the words of the Act of Parliament in a large and liberal spirit. If the Judges of the land acted on a literal interpretation of the statutes, they would not now be in possession of half the liberties they enjoyed, and they would be still engaged in disputes about words. In order that the House might have the opportunity of discussing the question on the points he had put, he begged to move that the debate be now adjourned.

MR. CHISHOLM ANSTEY seconded the Motion.

Motion made, and Question proposed, "That the Debate be now adjourned."

LORD JOHN RUSSELL: In answer to the first question which has been put to me by the hon. Member for Manchester, I may say that I stated yesterday, if the hon. Member for Greenwich wished to be heard, not by counsel, but by himself, as in the case of Mr. O'Connell, at the bar of the House, I thought leave ought to be given him for that purpose. My Motion to that effect stands on the Votes of the House. The hon. Gentleman (Mr. Salomons) must have been well acquainted with what I stated on the subject; and if he had expressed any wish on that subject, he might have been heard at the meeting of the House to-day. I do not think, therefore, that it is now necessary to adjourn the debate, after it has gone on so long, for the purpose of ascertaining whether or no the hon. Gentleman wishes to be heard: and here I must repeat that the only way in which he could be heard would be to be heard by himself, and to be heard at the bar of the House—a proceeding probably to which he objects, or, at least, of which he has not availed himself. The next question of the hon. Member is, whether it would not be desirable to refer this question to a Select Committee. We have had a good deal of debate, both last year and this, upon this subject; and that we have not come to this debate without information, is evident from the fact, that though hon. Gentlemen have taken part in this debate who have not previously addressed the House upon this subject, and more especially the hon. and learned Member for Aylesbury, whose authority deservedly stands so high, I do not think any Member has been able to adduce precedents and Acts of Parliament that have not been referred to, and that were not previously known to Members of Parliament who have paid attention to this subject. And it was only natural that such should be the case; because early in the last Session I said that I thought it was desirable that the House should be fully informed with regard to every point of the subject; and on the 12th March a Committee was appointed, on the Motion of my hon. and learned Friend the Solicitor General, in order, not to report opinions certainly, but to bring under the notice of the House the precedents and Acts which bear on this question. The Committee consisted of the Earl of Arundel and Surrey, Lord John Russell, Sir R. Peel, Sir J. Graham, Mr. Gladstone, Mr. Goulburn, Mr. W. Wynn, Sir R. H. Inglis, Mr. Attorney General, the Lord Advocate, Sir F. Thesiger, Mr. Cockburn, Mr. Henley, Mr. Hume, Mr. Napier, Mr. Roebuck, Mr. Turner, Mr. W. Patten, Mr. Walpole, and Mr. Wood. Now, I think that the House will admit that there could not have been a Committee more competent to the task which was assigned them. It is quite true that the Committee was not empowered, nor did they propose to themselves, to report any opinion on the subject; but the Members of that Committee had their attention turned, during several discussions, to the various Acts of Parliament. A report was drawn up by the Solicitor General, and that draft report was much considered by the Members of the Committee. Several learned Gentlemen belonging to the profession of the law pointed out other precedents and Acts of Parliament, which they thought bore upon the subject; and although the report cannot be said to be without errors, yet it had, upon the whole, brought before the House the general body of Acts and precedents upon the subject. Although the Gentlemen who formed that Committee did not give their opinions on the subject in the form of a Committee, many of them had made known, by their speeches or votes, what were their opinions on the law of the subject; and I think, therefore, that the House has had all the benefit which could be derived from the appointment of a Committee. It was, I believe, the general opinion of the Members of that Committee, as far as I could ascertain it during the discussions that took place there, that Baron Rothschild was not entitled to take his seat in this House. I did not certainly frame any words of my own on this subject; but my right hon. Friend the Master of the Rolls framed a resolution, which he submitted to the House. I have not relied, as the hon. Member for Manchester seems to suppose, entirely on my own opinions of the law on this subject; but it was after consultation with him and other learned Members of this House, that I adopted and supported the resolution to which we came. I think, therefore, there can be no advantage in appointing another Committee to inquire into the subject. I believe that generally Members accustomed to investigate these subjects, have for themselves, as it was their duty, examined the precedents and Acts of Parliament that bear upon it: in fact, as it had been matter of discussion during last year and the present, those competent to look into Acts of Parliament and the precedents of the House will have neglected their duty if they have not made that examination. My belief, confirmed by the speeches which I have heard, is, that they have made examination, and that every Member has made up his mind on the subject before the House. If it is the general wish of the House that there shall be a Committee, it is not a wish which I shall resist; but as the matter at present stands, I do not see the necessity for it, and I do not believe that it is the general wish of the House that there should be such a Committee.

SIR BENJAMIN HALL said, if the hon. Gentleman the Member for Greenwich were to consent to appear at the bar, he would, in his opinion, take a very retrograde course. Within the last twenty-four hours, the hon. Gentleman had voted no less than three times, and had addressed the House as a Member of the Legislature. If he were to attempt, therefore, to address the House at the bar, he would be lowering and injuring the position which he at present occupied. It was possible, however, that the constituency of the borough of Greenwich might desire to be heard at the bar, and if they should present a petition desiring to be heard in support of their Member, they ought to be heard; and he thought that before this resolution was pushed, they ought to have an opportunity of presenting such a petition. With respect to the appointment of a Committee, he thought that the suggestion of the honourable and learned Gentleman who sat below him was a wise one, looking at the difficulties in which the question was now involved. It was true that last year a Committee was appointed, consisting of Gentlemen who were admirably fitted to conduct the investigation committed to them; but look at the circumstances that had taken place since their report was made. Was it ever contemplated by that Committee that the House of Commons would put themselves in this extraordinary position: that they would first call upon a man to come forward as a Jew, admit him as a Jew, and then tell him to take an oath on the true faith of a Christian? Had not circumstances, too, been brought out in the course of this investigation and discussion, which rendered it clearly necessary that another Committee should be appointed? The noble Lord said, that he would take the same course which he pursued with respect to Baron Rothschild last year; but he (Sir B. Hall) denied that he had taken that course; for the only resolution now before them was one declaring that Mr. Alderman Salomons was not entitled to sit in that House until he should have taken the abjuration oath according to the form provided by law. The noble Lord had, upon this occasion, been altogether silent on the subject of removing the disabilities of the Jews, instead of pledging himself, as he had done on the previous occasion, to bring in a Bill at the earliest possible period after the meeting of Parliament. Why did he not now take the same course? The noble Lord said, "in the form provided by law." But he should like to know what was the law; for the Attorney and Solicitor General were divided in opinion upon the subject; and of six learned Gentlemen who had addressed the House, three were on one side, and three on the other. This "law," which was referred to, might be that of the right hon. Gentleman the Master of the Rolls; but it was clearly impossible that under these circumstances there could be any general definition of the law. If the noble Lord wished to take a course which was at once open and intelligible, he had better at once move the issue of a new writ for the borough of Greenwich. The effect would be that the electors of that borough would immediately return Mr. Salomons again, and that was the reason why this step was not taken. It was quite a mistake to suppose that the people of this country were indifferent to this question; for if they looked at the division list on the previous night, they would see that if the Members who voted at all represented the feelings of their constituents, two-thirds of the voters in the United Kingdom then voted in favour of Mr. Alderman Salomons.

Sir B. Hall

MR. G. THOMPSON said, that he represented the majority of the Hebrew community in the United Kingdom. Hon. Gentlemen opposite met that assertion with derisive and insolent cheers, and in those cheers he found the clue to their position. They looked at the law in this case not as men caring for the law, but colouring the law to suit their own prejudices. It was not a question of law, but of religious liberty on the one side, and religious intolerance on the other, which was before the House. The hon. Member who last addressed the House had pointed out the division of opinion which prevailed on the subject amongst the legal authorities; but of twelve learned Gentlemen in that House, while seven had decided that this question could not be settled without further discussion before a legal tribunal or a Select Committee, five only had given an opinion that there was sufficient information in regard to the law to guide them to a proper equitable settlement of this question. The noble Lord had it in his power to obtain a confirmation of the opinion he had stated so confidently. He might have issued a new writ to try the opinion of the constituency of Greenwich; he might have enforced the penalties which the hon. Member had defied, or he might have moved that he should be taken into custody by the Serjeant-at-Arms. But the course which he had taken proved that he did not believe in the soundness of his own arguments, and was not prepared to redeem the pledge which he had given more than once in that House. Why, if he were in earnest upon this question, had he not staked the existence of the Government upon it? The time was come for liberal Members to demand the admission of the Jews to Parliament as a matter of simple justice; hon. Members opposite had never conceded anything to justice, but everything to menace. There never was a question on which public opinion out of doors was more unequivocally expressed in accordance with the majority in that House. This was not a question to be trifled with, or which the Government should be permitted to trifle with. An insult had been twice offered to the City of London, and he wished to know what right the noble Lord had to sit there, when his Colleague was refused admittance? While he expressed an opinion that Baron Rothschild should be by his side, he lingered through four Sessions, demonstrating by his acts that his heart was never in the right place on this matter, and that he was never willing to stake any political power on the result. Viewing the question in a religious light, he believed that many of the Members of that House were below the Jews in point of orthodoxy of faith. Their religious theory was the same as his. He admitted that the Jews did not believe in the same Saviour as he did; but, according to high authority, that was merely a difference between a Saviour who is to come, and a Saviour who has come. The Jew really embraced the same truth. ["Oh, oh!"] As a question of law, the noble Lord ought in fairness to grant a Committee to inquire into it. The eighty-one Members who voted last night, and the seventy-one who voted that night, in favour of the right of the hon. Member to be admitted to that House, had a right to demand that what they believed to be a sound view of the law should be decided by a competent tribunal. He should vote against the main question, but still more willingly for the adjournment of the debate, which was moved by the hon. Member for Manchester.

MR. CHISHOLM ANSTEY reminded the noble Lord of the pledge which he gave when the Committee of last year was appointed, and as a condition of their appointment, that their inquiries should not be so directed as to enable them to lay before the House either their own opinions or the opinions of any other persons whatever upon the question which their report was nevertheless intended to illustrate. They wanted now to know whether the abjuration oath was in existence at all—whether there was a precedent for putting it to any person with the omission of the words " on the true faith of a Christian"—and whether the profession of Christianity was necessary for a Member of Parliament, either by common or statute law, and what was the inherent power of that House to alter its proceedings from time to time, and more especially that now under consideration. But upon these points the Committee was not allowed to report any opinion, or make any observation; it was only appointed to search the Journals, and report precedents and Acts of Parliament relating to the question of the admission of Jews into Parliament without being sworn upon the Holy Gospels; also to report in what manner Mr. Pease was admitted, in what manner Jews and persons not professing the Christian religion were permitted to take oaths in courts of justice and other places where oaths were taken—questions which they had now got far beyond. They could not get to the end of the discussion of the main question that night, if the debate were allowed to proceed; for the noble Lord must either yield to the strong appeal made to him, and after passing his resolution propose a second, formed upon the model of the resolution of last year, or it would become necessary for some other Member to take upon him the burden the noble Lord was unwilling to bear. In either case, it was his (Mr. Anstey's) intention to move a Resolution, either in an independent form or by way of Amendment, or addition to the Resolution before them.

Question put, " That the Debate be now adjourned."

The House *divided:*—Ayes 69; Noes 190: Majority 121.

Original Question again proposed.

MR. G. THOMPSON moved, by way of Amendment, the following addition to the Motion of the noble Lord at the head of the Government:—

" And that this House, having regard to the religious scruples of the hon. Member for Greenwich, will exercise its undoubted privilege in that behalf, and proceed forthwith to cause such alterations to be made in the form and mode of administering the said Oath, as shall enable the hon. Member to take and subscribe the same."

Question proposed, " That those words be there added."

MR. J. A. SMITH wished he could induce the noble Lord to consent to the adjournment of the debate. He made the appeal with the deliberate conviction that the time of the House would be saved by so doing. He was informed that on Thursday next a petition would be presented to the House from the electors of Greenwich, praying to be heard at the bar of the House by counsel in support of the Member returned by them to represent them in Parliament; and he would with confidence, under those circumstances, appeal to the noble Lord to consent to the adjournment of this debate until that petition had been presented, and until counsel had been heard in support of the claim of Alderman Salomons to sit as representative of Greenwich in Parliament.

MR. REYNOLDS declared that to the Jews he owed no political or religious compliment; and he might remind the House that the hon. and learned Gentleman the Member for Greenwich, upon a very memorable and remarkable occasion, had occupied the chair at a meeting called to protest against Papal aggression; and that upon that and subsequent occasions he had used language anything but complimentary to the creed he (Mr. Reynolds) professed; but still, as a Member of that House, he felt no resentment towards him. He (Mr. Reynolds) objected to the Resolution of the noble Lord, but particularly to the word "abjuration," for it insisted, that unless Alderman Salomons perjured himself he could not sit in that House. What did the hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis) say to that?—he who represented an ecclesiastical corporation—he (Mr. Reynolds) had heard it called the great monastery of this country—the hon. Baronet represented an important section of the Church, and the dignitaries of the Church, the preachers of the Gospel, who were bound to discountenance swearing of every kind. They had permitted Baron Rothschild to be sworn on the Old Testament, and allowed oaths to be taken in different ways. A Chinese witness was sworn, not upon the Old or New Testament, but upon a saucer; and if one of their Asiatic friends declared that they would not consent to be sworn on a saucer, yet was ready to swear upon a teapot, he supposed they would swear him upon the teapot. He begged to call the attention of the House to the words of the oath of abjuration, and he would remind them that Lord Clancarty and Lord Bradford had declined to take their seats in the House of Lords, because they could not swear that oath; and he (Mr. Reynolds) believed that if they did swear it, they would swear a lie. And yet they complained of Alderman Salomons, because he would not take this unpalatable oath. He (Mr. Reynolds) respected the conscience of a Jew, when, even to attain the highest pitch of worldly honour and power, he declined to swear to that which he did not believe. It never was a doctrine of the Catholic Church that princes excommunicated by the Pope could be murdered or deposed by their subjects, and therefore the oath was a living lie and an insult. He (Mr. Reynolds) thought the proper course would be to abolish all those oaths; and he was glad to find that the sentiments he (Mr. Reynolds) uttered were re-echoed, not only in that House, but in another place. He wished to ask the noble Lord at the head of the Government what was the meaning of all the fencing that had taken place on this subject? He would remind the noble Lord that four years had elapsed since he was returned as the colleague of Baron Rothschild for the City of London, and since then Baron Rothschild had been re-elected almost unanimously. And what were they now doing? They were now declaring war to the utmost extent in their power against the electors of the City of London, and also against the electors of Greenwich. There was a great deal of harmony between the proceedings in that House, and the proceedings in another place. While they were forging chains in that House for the Jews, they were forging chains in another place for the Members of his (Mr. Reynolds's) persuasion. The House would soon be entitled to the designation of a second edition of Exeter-hall; it would, if it went on in the same course, become a religious conventicle. The electors of Greenwich might say to that House, "You have disfranchised us; we have elected a gentleman of station and talent to represent us, and you will not permit him to take his seat unless he swears to what he does not believe." Why, it would be much fairer to pass an Act of Parliament obliging the candidates to take the oath of abjuration on the hustings before they were put in nomination, because then, at all events, the electors would not be deceived. The oath of abjuration was as great an absurdity as could be imagined. It required men to swear that they would bear no allegiance to King James III., or any of his descendants, when the fact was that they had all been dead more than fifty years. The person who took this oath further swore that he would bear true allegiance to Her Majesty and to the descendants of the Princess Sophia of Hanover. He (Mr. Reynolds) was ready to observe that oath, and to bear true allegiance to Her Majesty; but how was he to trace all the descendants of the Princess Sophia? Yet this was what was termed one of the bulwarks of the British constitution! He (Mr. Reynolds) was not in favour of a Committee, bearing in mind that the House could not sit more than a fortnight. He thought the fair and honest course would be to adopt the proposition of the hon. Member for the Tower Hamlets.

Mr. ANSTEY said, that it would be

absurd to adopt the resolution of the noble Lord without some such words as his hon. Friend (Mr. Thompson) had moved for him, he being incapacitated by having moved an Amendment already; and as the noble Lord preserved a sullen silence, and did not say whether he would propose some words himself, or agree to a Committee, or to an adjournment, to allow the electors to petition, and considering that the question could not be discussed in the present temper of the House, he would move that the debate be adjourned.

Motion made, "That the Debate be now adjourned."

MR. BRIGHT thought the question which the hon. and learned Member (Mr. Anstey) had asked, deserved a fair consideration and a frank answer from the noble Lord. It had been stated that Alderman Salomons was not likely to ask the House to be heard at the bar; that, on the contrary, he insisted he had as good right to be within the bar as any hon. Member in the House. The hon. Member for Greenwich was willing only to defend himself in his place; but there was another party concerned—the constituency who had sent him there; and let the House bear in mind that hon. Members sat there for the sake of the rights of constituencies. The question before the House was one of extreme doubt and difficulty. The noble Lord did not deny it. The only law officer in the House who agreed with the noble Lord at all had admitted to-day that the question was one of extreme doubt, and that the legislation which the noble Lord maintained was a disgraceful legislation. The House had already had warning that the constituency of Greenwich was about to take a perfectly constitutional mode of bringing their case before the House by a petition praying to be heard at the bar. He (Mr. Bright) had the greatest confidence that the noble Lord, regarding his past life, his present opinions, the extreme doubt in which this question was involved, and its bearings on the rights of the electors of Greenwich, would not deny what those electors asked, or urge this question to a premature decision.

LORD JOHN RUSSELL: In the early part of the evening the question the House really had to consider, was very deliberately, fairly, and learnedly discussed. I had brought forward a Resolution which implies, if it does not say in direct terms, that the hon. Member for Greenwich is not entitled to sit without taking the oath of abjuration in a form different from that which he had proposed, and in the form in which hon. Members have hitherto taken it. The hon. and learned Member for Aylesbury (Mr. Bethell) proposed a counter resolution, and a very fair resolution, to meet that which I had proposed, namely, that the hon. Member for London, and the hon. Member for Greenwich, having complied with all that the law requires, so far as the oath of abjuration is concerned, and having taken the other oaths, were entitled to sit and vote in this House. There were two propositions, the one contradictory of the other. The Motion of the hon. and learned Member for Aylesbury was supported in a very able speech by him, and answered in another very able speech by the Attorney General. The debate was conducted in a manner worthy of the occasion. Other hon. Members, some of them learned in the law, spoke to that question, and confined themselves to the question which was really before the House. The House came to a decision that the proposition of the hon. and learned Member for Aylesbury could not be put. It then remained for the House to decide whether or not—that restriction having been set aside—the resolution which I proposed could be affirmed. I can see no other course fairly open to the House than to come to a decision upon this question; or that if the debate upon it had been continued to too late an hour, the debate shall be adjourned. But, instead of continuing a discussion on the law—which, after all, is our business—we have since heard nothing but denunciations of this House for going against a liberal body of constituents, for not proceeding at once to affix a sense to this oath, and to authorise a mode of taking the oath, according to which they said Members sent by a numerous body of constituencies would be admitted to sit and vote; and denunciations against my conduct, for what the hon. Member (Mr. Bright) called maintaining legislation against the Jews, forgetting that for a number of years I have been labouring in this House to obtain a repeal of the legislation in existence with respect to Jews, and forgetting that when I was so engaged in the course of this present Session, the hon. Member for the Tower Hamlets (Mr. G. Thompson) was lecturing or travelling in America, and totally neglecting the duties he owed to the numerous body of his constituents of the Hebrew persuasion; and now he comes forward to support a Motion for adjournment, having refrained from giving his vote when that vote might have had great influence, and when it might have contributed to a change in the legislation. My belief is, if, instead of this declamation we hear with respect to the impropriety of Gentlemen putting a sense on the oath which we conceive ourselves, in our consciences, bound to do, the sense of this House had been such that we had had a very large majority in favour of the admission of the Jews by means of a Bill—speaking without authority, but from my general supposition, if that Bill had gone up with a very large majority in its favour—my opinion is that the House of Lords would have been disposed to pass it; and if the hon. Member for the Tower Hamlets, and other hon. Members who now talk of the cause of religious liberty, had been here then to assist in that vote, they would have contributed something towards that result. My notion of promoting religious liberty is the endeavouring to do away with those laws which interfere with religious liberty, and certainly not, by attempting to strain the law, to put a sense on the law which it will not bear, and then to defend myself by saying I am doing it for the cause of religious liberty. The cause of religious liberty is not to be promoted by those means. For many years the cause of the Roman Catholics was brought forward in this House by eminent men, by Mr. Fox, Mr. Grattan, Mr. Canning, and Mr. Plunkett, who, at different times, warmly advocated the cause; but they never proposed that this House should admit the Roman Catholics by changing the oaths you were bound by law to administer. They thought it was the proper course to endeavour to obtain a change in the law; and I have no doubt I am pursuing the right course in this matter, and that nothing which the hon. Member for Manchester can say, will induce the House or the country to believe that I am one of those who were endeavouring to maintain the exclusion of the Jews from Parliament. The hon. Member for Chichester (Mr. J. A. Smith) has asked me whether I will not consent to the postponement of this debate, in order that the electors of Greenwich may come forward and present a petition to the House, asking to be heard with respect to the construction of the law. Whenever that petition—which I have only heard of to-night for the first time—is presented, praying to be heard on that subject, I think it will be the duty of this House to look to any precedent in regard to its conduct, and to what the justice of the case may require. But I cannot see there is any reason that the House should not, on its own authority, decide the question which is now before them, as to whether or no Mr. Alderman Salomons is entitled to sit in this House without taking the oath of abjuration in the form appointed by law. It appears to me this House is fully competent to decide that question for itself, and that it is bound to decide that question. I think it will be the duty of myself to bring in some measure which shall relieve the Jews from the disabilities under which they labour. I think it is a matter fairly to be considered whether the Bill to be brought in should be exactly in the shape of that which was introduced during the present year, or whether it should or should not be a Bill which should also affect other oaths, which, as has been remarked by the hon. Member for the city of Dublin (Mr. Reynolds), stand now in a very unsatisfactory state; but this I will say, I do think that the emancipation of the Jews from those disabilities which prevent their sitting in this House, and holding political office, is a great public question connected with religious liberty, in which I certainly mean to persevere—I mean to persevere in that which is the due and regular course, namely, in asking the assent of this House to a Bill; for I believe that if there be a considerable majority in this House in favour of such a Bill, and if, as hon. Gentlemen say, the voice of the country support that opinion, without any sort of menace or threat to the House of Lords, but looking to what has been their conduct with respect to various measures that have been passed at various times, and presuming their conduct will be guided by the same wisdom and prudence—if they believe that the House and the country desire the abolition of those restrictions, you will not have to wait very long until, in the due course of legislation, such a Bill will be passed. I will do all in my power to obtain the passing of such a Bill in some shape or other; but this I will not do—I will not vote that to be law which I believe in my conscience to be contrary to law.

Mr. BETHELL begged the House to observe the miserable truism which was involved in the proposition of the noble Lord. It decided nothing, but left everything undecided, and yet it was to be held out to the country as the conclusion to which the House had come as the result of these deliberations. The proposition of the noble Lord was merely a piece of bad English, which, if adopted, would make the House supremely ridiculous in the eyes of the country. The courage of the noble Lord had become proverbial; but he (Mr. Bethell) never saw that courage exhibited in such a manner as on that evening, for the noble Lord, unaided and alone, had taken on himself to decide for himself the whole of this legal question. The speeches of the Attorney General and the Solicitor General had shown they were at variance in their opinions of the law affecting this question; and between the two, the noble Lord might say—

> "How happy could I be with either,
> Were t'other dear charmer away!"

The very difficulty in which the noble Lord had been placed by those two hon. and learned Gentlemen, required him to assent to some such proposition as that by which he (Mr. Bethell) proposed to rescue him from difficulty. He would suggest to the noble Lord that he should add to his Motion words to the effect that it be referred to a Select Committee of that House to ascertain and report to the House in what form and manner the oath of abjuration ought to be administered.

Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 59; Noes 207: Majority 148.

Question again proposed, "That those words be there added."

MR. BRIGHT did not wish to offer any opposition of a factious nature; and it was only because he felt the noble Lord at the head of the Government was running the House into serious difficulties that he recommended him to adopt the suggestion of the hon. Member for Aylesbury, and refer the question to a Select Committee. A very important petition was to be presented from the electors of Greenwich, praying to be heard by counsel at the bar of the House. He thought that the noble Lord had made a very unfair and ungenerous attack upon the hon. Member for the Tower Hamlets, who certainly had not merited it, and who had not transgressed the ordinary rules of debate. If the noble Lord adopted the suggestion thrown out, he would not sacrifice any of his character for consistency.

LORD JOHN RUSSELL could not accept the suggestion of the hon. Member for Manchester; but on considering the acrimony which had been imported into the debate, it did appear advisable that upon a question of a judicial nature, their proceedings should not be marked with such a character. He would not, therefore, object to adjourn the debate.

Debate *adjourned* till *Friday.*

METROPOLITAN INTERMENTS BILL.

Order for Committee read.

The CHANCELLOR OF THE EXCHEQUER moved that the House go into Committee upon this Bill.

MR. BRIGHT said, that the House were in perfect ignorance as to its nature.

The CHANCELLOR OF THE EXCHEQUER said, the object of the Bill was to empower advances to be made to carry out the objects of the Act passed last Session. The House was quite aware of the great evils which arose from the overcrowded state of the burial places in the metropolis; and with a view to remove them, an Act had been passed last Session which enabled the Board of Health to raise money by borrowing, for the purpose of constructing cemeteries, and then closing such as were in an overcrowded state. The Board of Health had reason to suppose, until a week ago, that they could raise the money; but some difficulties arose as to the security. The Board not being a permanent body, additional powers were therefore necessary, and in the mean time, in order not to forego the advantages which would arise from the closing of some cemeteries, and to complete the negotiations now pending, he was willing to advance some money, in order to secure so desirable an object. When the question of further powers came before the House, there would be ample opportunity for discussing the whole construction of the Board. He would desire to see the arrangement of all such matters as were connected with the public health vested in the hands of a municipal body.

In reply to Mr. BRIGHT,

The CHANCELLOR OF THE EXCHEQUER said, that the sum he proposed to grant was 130,000*l.*

MR. BRIGHT said, a more extraordinary proposition had never been made to the House. The Board of Health had led them to believe that 500,000*l.* would be the whole sum they would require for compensation and purchases. Now, from the information which he received, that would not be half the amount which they would find necessary. The Bill of last year was most discreditable to the Government and to the Secretary of the Board. That gentleman was no doubt very ingenious; and whenever he had a board with such persons as Lord Shaftesbury sitting at it, he would be sure to pull the wire. And he did pull the wire, for if they granted the sum now asked for, Mr. Chadwick would become the arbitrary dispenser of more patronage than was in the gift of officers filling the highest situations in the Government. He would agree to the present vote if the Chancellor of the Exchequer would promise to put the disposition of the questions of water, cemeteries, and sewerage under the management and control of a municipal authority. In concluding, he would move that the Board of Bealth return a specific account of everything which they had done, and then the House would be in a position to see whether it was necessary that they should grant the money.

SIR B. HALL expressed his intention of opposing the grant upon every occasion and upon every stage.

Committee deferred till *To-morrow.*

House adjourned at a quarter before Two o'clock.

HOUSE OF COMMONS,

Wednesday, July 23, 1851.

MINUTES.] NEW MEMBER SWORN.—For Scarborough, George Frederick Young, Esq.

NEW WRIT.—For Limerick City, *v.* John O'Connell, Esq., Chiltern Hundreds.

PUBLIC BILLS.—1° Lunatics (India).
2° Consolidated Fund.
3° Commons Inclosure (No. 2).

EXHIBITION OF WORKS OF INDUSTRY.

MR. NEWDEGATE said, his reason for putting the questions of which he had given notice, was, that he had been credibly informed that several articles which had been sent to the Crystal Palace had not only been sold, but removed from the building; and he was also informed by the gentlemen in charge of the place for the Customs, that the catalogues and accounts were so imperfect in themselves, that they had the greatest difficulty in identifying the several articles. The object of his questions was, therefore, to ascertain whether the officers of Customs had taken an account of those articles in the Exhibition which were subject to duty, so that the revenue might be no loser in the matter. He would put the questions as he had placed them on the paper of the House:—1. Whether all the articles imported from abroad, and now exhibited in Hyde Park, have been entered regularly, specially, or in any manner, at the Custom House? 2. Whether an account of these articles, giving the description, quantities, and official or assessed value of them, can now be given? 3. Whether arrangements, and, if so, what arrangements, have been made for taking an account of any of these articles which may be sold in this country, as distinguished from those which may be reshipped, so as to secure the revenue, and provide for the correct entry of all such articles in the official accounts for the year?

MR. CORNEWALL LEWIS said, he had communicated with the Board of Customs on the subject of the hon. Gentleman's questions, but he had not yet received all the detailed information which he expected. He was, however, able to give an answer generally that the Exhibition building was a bonded warehouse; that it was subjected to the same regulations as any other bonded warehouse; and he believed that regular accounts had been taken of all the goods in that building which were subject to duty; and that they could not be removed without the permission of the Customs, obtained in the regular manner. There had been certain cases where a very few applications had been made to the Treasury for special permission to remove particular articles from the building. The articles to which he referred were some of the American revolver-pistols; and he believed they were permitted to be taken out for the officers of the regiment now under orders to proceed to the Cape of Good Hope. But it would be borne in mind that arms were prohibited, not goods subjected to duty, and that therefore no loss to the revenue could accrue in this instance.

MR. NEWDEGATE said, this was the second time he had given notice of the question, and the second time he had received no answer. It referred to a mere matter of account, and he could see no difficulty in a precise reply. He should, therefore, renew the question on Friday.

MR. CORNEWALL LEWIS was not aware he had not answered the question of the hon. Member.

MR. NEWDEGATE said, when first he put the question, the hon. Member stated that he had no precise information on the subject to which it referred, but that he would make inquiry into it. He (Mr.

Newdegate) now asked the question, and the hon. Member said, he only believed the statements he made were correct. What he (Mr. Newdegate) wanted to know was the facts, and he should therefore, renew his question on Friday.

MR. CORNEWALL LEWIS said, he had communicated with Sir Thomas Fremantle, the Chairman of the Board of Customs, and the answer he had received was the general statement he had now made to the House; but he knew of no facts such as those alluded to by the hon. Member. With regard to the accounts of the articles in the Exhibition, the building, as he had already stated, was a bonded warehouse, and the accounts were kept as usual in bonded warehouses, on the part of the Customs.

ADMINISTRATION OF CRIMINAL JUSTICE IMPROVEMENT BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

Clause 1.

MR. BAINES said he was anxious, as Chairman of the Select Committee which had sat upon this subject, to make a short statement to the Committee relative to the extremely important objects which, he apprehended, would be carried into effect by this Bill. The Bill itself was for the improvement of the administration of Criminal Justice in this country, and it was one of those Bills for the purpose of effecting real and valuable improvements in the administration of the law for which the public were indebted to the present Lord Chief Justice of the Court of Queen's Bench. The Bill had come down from the House of Lords with the approbation, he believed, of all the law Lords in that House; and though there were some provisions, with regard to which one or two of the Judges felt a difficulty, yet he believed that all those who were most able to form an accurate judgment of its details, both in England and Ireland, were decidedly in favour of it. By the first Clause, powers of an extensive nature were given to the Court, in cases of felony or misdemeanour, to amend the indictments, when there was any variance between the indictment on which the prisoner was tried and the evidence, regard being had that the prisoner should not be prejudiced, or the merits of the case perverted, by such amending. This was analogous with the power which had been given to amend in civil cases, by an Act passed so long ago as 1832 (the 3rd and 4th of William IV., cap. 42). He believed that great advantage would result from this Clause, and he hoped that the Committee would think that the Courts might safely be intrusted with the power in this respect which the Bill proposed to give them. Another object which the Bill had in view was that of shortening and simplifying the form of criminal pleading. At present indictments might be made of very great length, entailing great expense in the framing of them, and great risk of variance in the proofs. The counts were multiplied to an incredible extent, there being sometimes as many as ten, fifteen, or even in some cases, twenty, in a simple case of homicide, ringing the changes upon every possible mode by which the death might be supposed to have been occasioned. These counts were frequently exceedingly contradictory in themselves; and, after all, it might happen that the right cause had escaped attention. What this Bill proposed, therefore, was, that instead of its being necessary, as it had been heretofore, to recite the precise means and manner by which the homicide had been committed, it would be sufficient—as was already done in an analogous manner in the case of larceny—to state, in cases of murder, that the party "did wilfully and feloniously kill and murder;" and, in cases of manslaughter, that he "did feloniously kill and slay." The third object of great importance had reference to strictly formal objections. With regard to several of these, it was provided that there should henceforth be no opportunity of taking such objections at all—objections, for instance, such as those to the formal conclusion of an indictment, leaving out the words "against the peace," &c., thus rendering these formal objections not available at the trial, and, consequently still less available in proceedings upon writs of error. Another object of the Bill was this, that, if it should turn out on the trial that the party had not been guilty of the entire offence, but of an attempt to commit it, then it would not be necessary, as at present, to prefer a new indictment, and go before the grand jury again; but the jury might convict the party of the attempt to commit the offence, and the Court should have power to sentence upon that finding, just as if the indictment had been for the attempt in the first instance. The Bill also contained provisions for rendering more easy and certain prosecutions for an offence which was increasing in frequency, perhaps in part owing to the facilities of late years provided for the recovery of small debts, he meant the crime of perjury. At present, the indictments were of most unwieldy length, and it was only the superior Courts which, by virtue of the statute of George II., had the power of ordering prosecutions for that offence. This Bill would enable the Judge of a County Court, and of the inferior Courts generally, if they had reason to suspect that perjury had been committed, to direct that a prosecution should be instituted against the party, which might proceed to trial under the order of the Court. A simpler form of indictment also was given; but still it was not reduced so far as to prevent the defendant from having every information as to the real nature of the charge against him. There were several other objects of inferior importance contemplated by the Bill, with which he would not trouble the Committee. His belief was, after a good deal of experience in watching the administration of the criminal law, and some, also, in the actual administration of it, that it would have a very great tendency to improve the administration of criminal justice—that it would render it cheaper, more simple, and more certain in its results—that it would have the effect of doing away, in a great measure, with the technicalities which often enabled a prisoner to escape from justice—and that it would reduce the question to be tried to the real truth and justice of the case, to a mere finding upon the truth.

Mr. STUART WORTLEY said, it was not his intention to offer any objection to the measure of the right hon. Gentleman. At the same time, he confessed he had some doubts as to its operation, and as to the mode in which the proposed alterations were to be made. He thought that with respect to the first clause, it would have been better if, instead of giving the large powers of discretionary amendment proposed by the Bill, the broader measure had been had recourse to of simplifying the form of indictments. This Bill, however, had been very much considered elsewhere, and his scruples had been overcome. Generally speaking, he must say that the objects of the other Clauses were unquestionable. He suggested, however, that the Clause with reference to the plea of "Guilty" should be struck out; and he thought it would be desirable, in cases where an indictment for felony had been found behind a man's back, or by a coroner's jury, that there should be means of obtaining bail without going before a Judge of a superior court. The present practice was very expensive; and he recommended that power should be given to one or two justices, as the case may be, to accept bail.

Mr. ARMSTRONG said, he supported the Bill, but objected also to the clause with reference to the plea of "Guilty."

Mr. NAPIER said, that the Bill was one of the greatest importance. He approved of the measure generally, but especially that part of it which gave power to the Judges to amend the indictment. Such a provision would conduce greatly to the sound administration of justice in respect to the Criminal Law of the country, and at the same time would not deprive any reasonable man of any of the privileges which formerly belonged to him of defending himself from the charge preferred against him. He thought that a further improvement might be made in the law by giving a simple form of appeal in certain cases, which appeal might be provided for in the present Bill without in the slightest degree trenching upon its general principle, or impairing its efficacy.

Sir JOHN PAKINGTON approved of the principle of the measure, and considered that it would effect a very material and a very wholesome change in the administration of the Criminal Law. He had over and over again seen the ends of justice defeated from the want of such a power of amending indictments as would be given to the Courts by this Clause. He must at the same time express his regret that this Bill did not extend the summary jurisdiction of the magistrates to trifling cases of larceny, such as the stealing of coals or fruit, instead of having parties committed for trial and incarcerated for several months, as often occurred, before being brought to trial.

Mr. AGLIONBY considered this measure would have a very beneficial operation. It had been agreed to by the other House of Parliament, and had been referred to a Select Committee of that House, including many hon. Members practically acquainted with the working of the law, by whom its provisions had been very carefully considered. He approved of the Clause, because he believed that it would prevent the ends of justice from being defeated, and would lessen the chances of a guilty man escaping by a mere quibble from the punishment rightly due to his offence. He objected, however, to the Bill being discussed in its entirety whilst they were only yet upon the first clause.

MR. WHITESIDE wished to express his approval of the Bill as a thorough and comprehensive measure; and he trusted that it might form a precedent for the introduction of further reforms into other departments of the law, which were required by the state of the law, by the opinion of the public, and by the spirit of the age. What must the House think of an English Judge deliberately telling a jury that when a person was charged with stealing a duck, and it turned out to be a drake, the offender was to be acquitted; or that a man charged with stealing a pair of stockings was to be acquitted because the stockings proved to be odd ones? He could cite numerous cases of a similar nature where justice had been defeated, in consequence of the most absurd objections being raised to the particular form of the indictment. He considered that the protection of the prisoner in our Courts of Law did not consist in quibbles like these. Prisoners in this country had the benefit of trial by jury: they were furnished with copies of the depositions, and they might be defended by counsel; but what constituted the broad distinction between the law of this country and that of all Continental States was, that they had no law of evidence, while we had a strict law of evidence. In Continental Courts the witnesses stated whatever they thought, felt, guessed, or conjectured, respecting the past habits and life of the prisoner. In this country not only was a prisoner tried by an upright Judge and an impartial jury, but he had the additional safeguard of a strict law of evidence. He (Mr. Whiteside) supported this Bill, because it struck at the root of abuses which had long disgraced the administration of justice.

Clause *agreed to;* as were also Clauses 2 to 27 inclusive.

On Clause 28, which provided that upon the arraignment of any person for any felony or misdemeanour whatsoever, such person should not be called upon to plead "Guilty" or "Not Guilty," but should, instead, be asked "whether he wished to plead guilty, or any other plea, or to be tried;" and that if, on being so called upon, such person should say that he wished to be tried, or should refuse to answer, the proper officer of the court should enter a plea of "Not Guilty" on behalf of such person,

MR. NAPIER said, that a person might say that he neither wished to plead guilty, nor any other plea, nor to be tried, and the prisoner would not then refuse to answer. He thought this Clause would tend to embarrass the administration of justice, and he would therefore move its rejection.

MR. HATCHELL said, that he had received some communications from persons of high authority in Ireland, representing that the novel mode of arraigning persons contained in this Clause, would most probably be found very embarrassing to the Courts of justice, and recommending that it should not be pressed—a recommendation in which he fully concurred.

MR. GRANGER thought that if any alteration whatever took place in our present system, it should be by asking the prisoner if he would plead guilty or not guilty, or if he wished to be tried at all. But he objected even to that alteration, because, if he said that he wished to be tried, it would prejudice him in the minds of the jury that he had not pleaded not guilty. If prisoners really had tender consciences, they would plead guilty; and if they did not, he thought their consciences could not be so tender that the Committee need take particular care of them.

MR. BAINES said, that he was not responsible for the Clause, which had come down from the other House of Parliament: he had no objection whatever to strike it out.

The ATTORNEY GENERAL said, he would not insist upon retaining this clause, if the general opinion of the Committee was against it. At the same time, he thought it was desirable that some mode should be devised to prevent the necessity of a man's saying "Not Guilty," when he was conscious of his own guilt. It was, no doubt, the right of every man accused of a criminal offence in this country to insist upon being tried, because he was not amenable to the consequences of guilt until the offence was proved; but it seemed rather hard that, while they conceded to him this right, they put him in a position of being obliged to tell a falsehood in order that he might obtain the trial which was his right.

Clause *withdrawn.* Clause 29 *agreed to.*

MR. BAINES said, that his right hon.

and learned Friend the Recorder of London had proposed to add to the Bill a clause rendering all persons convicted of an indictable offence liable to be punished with hard labour, at the discretion of the Court. He thought that so general a Clause was liable to some objections, and he therefore proposed to add to the Bill the following Clause, to which his right hon. and learned Friend had assented :—

> "Whenever any person shall be convicted of any one of the offences following, as an indictable misdemeanour, that is to say, any cheat or fraud punishable at common law, any conspiracy to cheat or defraud, or to extort money or goods, or falsely to accuse of any crime, or to obstruct, prevent, pervert, or defeat the course of public justice; any escape or rescue from lawful custody on a criminal charge; any public and indecent exposure of the person, any indecent assault, any public selling or exposing for public sale or to public view of any obscene book, print, picture, or other indecent exhibition, it shall be lawful for the Court to sentence the offender to be imprisoned for any term now warranted by law, and also to be kept to hard labour during the whole or any part of such term of imprisonment."

Sir JOHN PAKINGTON hoped that the right hon. and learned Gentleman would allow common assaults to be rendered liable to hard labour, in addition to the offences specified in this Clause. In cases where parties were indicted for an assault with intent to commit a rape, or for assaulting a police constable in the discharge of his duty, juries sometimes, even though the evidence clearly showed the commision of the major offence, chose only to convict the prisoner of the minor one of a common assault. He thought that, in such cases, the Court should have a discretion to order the prisoner to be subjected to hard labour.

Mr. BAINES said, that a great number of assaults were already, under various statutes, punishable with hard labour. Common assaults were, however, a large class, and included many cases in which, no doubt, it would be desirable to give the power of inflicting hard labour, while there were others, in which, although a legal, no moral crime had been committed, in which it would be undesirable to do so.

Mr. HENLEY said, he agreed with the hon. Baronet (Sir J. Pakington) in his view of the proposed Clause. There was this anomaly in our law at present—that, in default of payment of a fine for an assault, a magistrate might send a prisoner to the House of Correction; but if he thought the offence committed was so serious that he should be sent to the Sessions, the same quality of imprisonment could not be inflicted by them, supposing that he were convicted.

Mr. WHITESIDE said, that if the jury had acquitted a prisoner of the more serious offence charged, he should be considered innocent. He could not conceive any thing more objectionable in principle than to give to the Judge who tried him the power of inflicting a severer punishment, because he had been acquitted of a more serious offence.

Sir JOHN PAKINGTON said, as the simplest way of raising the question, he would move the omission of the word "indecent" before assault in the Clause proposed by the right hon. and learned Gentleman.

Mr. FRESHFIELD thought they should consider those whom it was proposed to exclude from the punishment of hard labour, as well as those whom it was proposed to include. There were many assaults in which there would be a failure of justice if the prisoner was not punishable with hard labour.

Sir JOHN PAKINGTON said, that with reference to the observations of the hon. and learned Member for Enniskillen (Mr. Whiteside), although a man might be acquitted of the intent to commit a rape, still the assault might be accompanied with such circumstances of violence as might render it perfectly just and desirable that the Court should impose the punishment of hard labour. In the same way, in the case of an assault upon a police constable in exercise of his duty, there might be a failure to show that the prisoner knew that the constable was acting in the discharge of his duty; and therefore the indictment for the more serious offence might fail, although the circumstances of the case rendered it desirable that it should be punished with hard labour.

The ATTORNEY GENERAL would admit that, where a man was acquitted of the more serious charge, but convicted on a minor one, it would be unjust to visit him with the same penalty as if he had been found guilty of the former offence. Still there were many cases which came within the technical description of a common assault, which were of so aggravated a character that it was desirable that they should be punished with hard labour in addition to imprisonment. On the other hand, there were many cases which were common assaults in the eye of the law, but at the application of hard labour to which one's feelings revolted. Looking, too, at the degrees of competence of the tribunals charged with the administration of justice, there might be an indisposition to confide to them the power of determining in what cases hard labour should be inflicted. He had a great objection to leave a discretionary power in all cases of assault. He would, therefore, suggest, as a middle course, that when a man was indicted for a felony of such a nature that he might, on the same indictment, and without a separate count for a common assault, be convicted of the offence, that it should then be competent to the Court to add hard labour to the imprisonment to which they might sentence the prisoner. He would allow the Courts a similar discretion in cases where the common assault amounted to a personal injury. But, looking at the various character of common assaults, he should hesitate to invest the Courts with unbounded discretion.

Mr. HENLEY would suggest to the hon. and learned Attorney General, that he should also take into consideration that class of assaults with which, on account of their severity, the magistrates refused to deal at Petty Sessions.

Mr. NAPIER was not disposed to increase the discretionary power of the Court in awarding punishment, for, by so doing, they would destroy the moral certainty of the law, which it was far more important to preserve, than to endeavour to meet extreme and particular cases.

The ATTORNEY GENERAL said, that he would move the addition, after the words "any indecent assault," of the words, "any assault whereby personal injury has been inflicted."

Sir JOHN PAKINGTON must express his dissatisfaction at the proposition of the Attorney General, which, he thought, fell short both of the requirements of the case, and of what the hon. and learned Gentleman had himself indicated in his former observations.

Sir JOHN DUCKWORTH thought there would be no danger in giving the Courts discretion to punish with hard labour, in cases where the prisoners had escaped conviction for a more serious offence, merely because of some technical defect in the proof.

Mr. AGLIONBY said, he objected to the vagueness of the words "personal injury," by which the hon. and learned Attorney General proposed to define the assaults to be subjected to the punishment of hard labour. He should prefer the words "serious injury."

Mr. WHITESIDE should oppose the Amendment of the hon. Baronet (Sir J. Pakington). He contended that as it was admitted there were cases of common assault in which it would be undesirable and unjust to inflict the punishment of hard labour, they ought, in accordance with the principles of our law, to regard rather the protection of the innocent, than the punishment of the guilty. He objected to confiding more than was absolutely necessary to the discretion of the Courts; the perfection of criminal law would be that—if it were possible—it should declare the exact punishment which each offence deserved.

The ATTORNEY GENERAL said, that it would be admitted, he thought, that assaults, where serious bodily injury was inflicted, should be punished more severely than other common assaults. He would alter the words in his Amendment, descriptive of the assault, to "serious bodily injury," in order to meet the objection which had been taken to the words he had proposed.

Mr. BAINES had no objection to the introduction of words so as to provide for cases of indecent assault, and cases of grievous bodily harm.

Sir JOHN PAKINGTON said, he would withdraw his Amendment.

Clause, as amended, *agreed to.*

Mr. FRESHFIELD, in the absence of his right hon. and learned Friend (Mr. Stuart Wortley), begged to bring forward the clause of which his right hon. and learned Friend had given notice. The object of the clause was to provide for cases of indecent assault upon children under the age of twelve years, with the consent of the child. The following was the Clause:—

"And for the adequate punishment of persons indecently abusing the persons of young girls, be it enacted, That, whenever any person shall be tried for an assault on a girl, being under the age of twelve years, the defendant shall not be acquitted upon the ground of such girl having consented to such alleged assault, if on such trial it shall appear that such defendant has done any act to such girl which, but for such consent on the part of such girl, would amount in law to an assault; and upon being convicted of any such assault, the defendant shall be liable to be imprisoned, with or without hard labour, in the common gaol or House of Correction for any term not exceeding three years."

Clause *agreed to;* Preamble *agreed to.*

House resumed.

Bill *reported* as amended.

VALUATION (IRELAND) BILL.

Order for Committee read.

The House in Committee; Mr. Bernal in the Chair.

SIR DENHAM NORREYS thought it would be better to allow the Preamble in the first place to be discussed, for the purpose of determining whether the townland valuation or the tenement valuation should be continued.

SIR WILLIAM SOMERVILLE said, he could not comply with the suggestion of his hon. Friend. The Bill had been discussed at a former stage, and the time was now come for considering the details.

SIR DENHAM NORREYS said, he must protest against a Bill which proposed to establish a new system of valuation, when the present system had been in operation for so many years, and when a large sum of money had been expended in carrying it out. He certainly considered that the present system of valuation was a failure; but still he thought they should not adopt at the present moment a new system, when it was utterly impossible to ascertain what was the real value of property in Ireland, and when no person could say what the value of property would be next year. Twenty-six counties had already been valued under the townland valuation, and five of the remaining six had commenced valuation under the tenemental system. The Commissioners had been engaged twenty-one years in the work, and the amount expended was 260,000*l.*; and now after all this labour and expense, they were called upon to adopt a new system of valuation, on the ground that the one recommended six years ago had utterly and entirely failed. He objected to the postponement of the Preamble.

MR. MONSELL said, he should support the Bill. He would submit that hon. Members ought not to throw obstacles in the way of the proposed valuation, but that they ought rather to make the Bill as satisfactory as possible, and with as little delay as possible. The passing of this Bill during the present Session was a matter of the greatest importance to that part of Ireland with which he was more immediately connected, for there the existing system of valuation had completely failed. It was clear that the system of tenement valuation in Ireland must be changed. He thought it would be desirable to introduce a clause into this Bill, with a view to the revival of the valuation at the expiration of every five or six years, in connexion with a system of averages such as obtained in England.

SIR WILLIAM SOMERVILLE hoped the House would proceed with the Bill this Session. He considered it was not a fair course for his hon. Friend (Sir D. Norreys) to object to the postponement of the Preamble, seeing that nothing apparently would satisfy his hon. Friend but the getting rid of the Bill altogether.

MR. SCULLY said, he entertained, with his hon. Friend (Sir D. Norreys), a serious objection to changing the valuation in Ireland for Poor Law purposes. Grievous complaints were made in many parts of Ireland against the mode of taking the tenement valuation. The failure of the tenement valuation in Tipperary was owing entirely to the mode in which that valuation was carried out. In that county alone 17,000 appeals were lodged against the valuation, 11,000 of which were made on the ground that the valuation was excessive.

MR. ROCHE said, the usual practice in all Bills of that kind was to postpone the Preamble until the Clauses were agreed to, and he could only regard the Amendment of the hon. Baronet (Sir D. Norreys) as hostile to the Bill altogether. If the present system of valuation in Ireland was bad and erroneous, the best course to pursue was to make a new and a better system, which should supersede it.

SIR DENHAM NORREYS said, he would not persist in opposing the postponement of the Preamble.

Preamble *postponed.*

Clause 1 (Repealing so much of 9 & 10 Vic. c. 110, as relates to Valuation of Counties hereafter to be valued, and apportionment of Poor Law Rating, Grand Jury Cess, and City and Town Rating),

MR. SCULLY proposed as an Amendment to substitute the word "or" for "and," before the words "the primary valuation." There were many baronies, parishes, and divisions of counties in Ireland, in which the primary valuation was in progress; and the object of his Amendment was to secure the adoption under the new system of that primary valuation, if it had proceeded to a certain extent, giving at the same time to the baronies the right of appeal to the quarter-sessions against the valuation, if it was deemed to be unsatisfactory.

Page 2, line 9, Amendment proposed, to leave out the word "and," in order to insert the word "or."

Question put, "That the word 'and' stand part of the Clause."

SIR WILLIAM SOMERVILLE said, he must oppose the Amendment.

SIR ROBERT FERGUSON said, he objected to the Amendment, because the effect of it would be to increase enormously the expense of the valuation in some of the counties.

MR. REYNOLDS said, he had no confidence in the report made by the Select Committee which sat on this subject. He complained, not only on his own behalf but on that of his constituents, that both his hon. Colleague and himself were excluded from that Committee. The hon. Member who had charge of the Bill had studiously excluded the representatives of Dublin from the Committee. He wanted to know the meaning of that exclusion. A sum of not less than 260,000*l.* had been already expended on a patchwork valuation in Ireland; and now, after an experience of twenty years, the right hon. Baronet (Sir W. Somerville) came forward to ask the Committee to undo all that had been done, to take away the right of appeal, and to vest the power of valuation in one commissioner (for it was tantamount to that)—he meant Mr. Griffiths—an experienced man, no doubt, but a man far advanced in years, indeed almost an octogenarian, and who had nearly as many employments as there were letters in the alphabet. The Bill before the Committee was a piece of undigested legislation; and he (Mr. Reynolds) called upon the right hon. Gentleman (Sir W. Somerville) not to persevere with a measure which was fraught with danger and difficulty.

The Committee *divided*, when the result was—Ayes 65; Noes 8: Majority 57.

Clause *agreed to;* as were Clauses 2 to 6, inclusive.

House resumed.

Committee report progress.

And it being Six of the clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

HOUSE OF LORDS,

Thursday, July 24, 1851.

MINUTES.] PUBLIC BILLS.—1ª New Forest Deer Removal, &c.; Merchant Seamen's Fund; Mercantile Marine Act Amendment; Local Acts (Preliminary Inquiries); Grand Jury Cess (Ireland); Commons Inclosure (No. 2); Episcopal and Capitular Estates Management (No. 2).

2ª Unlawful Oaths (Ireland); Turnpike Roads (Ireland); Private Lunatic Asylums (Ireland); Stock in Trade; Tithe Rentcharge Assessment; Public Works (Ireland); Victoria Park; Civil Bills, &c. (Ireland); Chimney Sweepers Regulation Act Amendment.

Reported. — Chief Justices Salaries; Woods, Forests, &c.

ROYAL ASSENT.—Survey of Great Britain, &c.; School Sites Acts Amendment; Landlord and Tenant; Prisons (Scotland); British White Herring Fishery; Common Lodging Houses; Lodging Houses; Ecclesiastical Jurisdiction; Highway Rates; Loan Societies; Militia Ballots Suspension; Assessed Taxes Composition; Public Works, Fisheries, &c.; Apprentices to Sea Service (Ireland) (No. 2); Marriages (India); Turnpike Acts Continuance; Turnpike Trusts Arrangement; Inhabited House Duty; Burgesses and Freemen's Parliamentary Franchise; Ministers Widows and Orphans Fund of the Free Church of Scotland; London (City) Sewers.

CIVIL BILLS, &c. (IRELAND) BILL.

Order of the Day for the Second Reading read.

The MARQUESS of CLANRICARDE, in moving the Second Reading of this Bill, said that the Civil Bill Courts in Ireland, which were presided over by the Assistant Barristers, were among the most useful tribunals of the country, and among those which enjoyed the largest share of public confidence. Three-fourths of the present measure consisted of a digest or codification of the existing law, so far as related to the civil jurisdiction of Assistant Barristers in Ireland. It gave them also a new power of hearing insolvent petitions, a regulation which must be much more convenient to creditors and to honest debtors. That power had lately been given to the County Courts in England, and, as he understood, it had operated very beneficially. The Bill further proposed to extend the jurisdiction of the Assistant Barristers from 20*l.* to 40*l.*; it enabled them to adjudicate on all cases of legacies up to 20*l.*, whatever might be the amount of assets on which those legacies were charged. And another important feature which it presented was, that it gave them an exclusive original jurisdiction, instead of a concurrent jurisdiction, as heretofore. There was another clause in the Bill which he thought would be universally admitted to be beneficial to all Irish classes that were connected with land; he alluded to that clause which gave the landlord power of ejectment against tenants at will, in the same way as if they held under a lease. It might be thought that such a provision conferred too great power upon landlords; but on the other hand it would provide a remedy for the practice of serving yearly tenants with constant notices to quit, which was a most painful proceeding, and prevented all feelings of security in the transactions between man and man. There were several other important points in the Bill, with which, however, he would not trouble their Lordships. Under such circumstances, the Assistant Barrister, who now received only 400*l.* a year, would be entitled to some increase of salary; and it was proposed that these salaries should be paid out of the Consolidated Fund. The amount of their future salaries might be seen from the schedule of the Bill, and it was expected that the additional charge thus thrown on the Consolidated Fund, would be fully compensated by the operation of the rule that stamps should be used for the future in all proceedings in Civil Courts in Ireland. He would be happy to consider in Committee any objections that might be made to the Bill.

The EARL of LUCAN did not object to the Bill, which, on the whole, he considered a good measure; but he thought its jurisdiction should be more extensive. At a future stage of the Bill he would endeavour to increase its powers to the same amount as the County Courts in England, viz., to 50*l.*, instead of their present limit. There were several clauses to which he would move amendments in Committee; for however good the Bill might be, there was no harm in attempting to make it better if possible. He hoped the Civil Bills Courts would be able to pay their own expenses in the manner proposed. He would move, also, that the Assistant Barristers should have the appointment of their own officers.

The EARL of ST. GERMANS said, he would not oppose the second reading of that Bill; but he wished to call their Lordships' attention to the remarkable fact that that Bill of 160 clauses should be only laid on their Lordships' table on the very day on which the Appropriation Bill was brought into the House of Commons, otherwise he should have moved that it be referred to a Select Committee. After referring to a few of the details of the Bill which he thought objectionable, the noble Earl concluded by observing that it was most unreasonable to expect that their Lordships could go minutely through every clause of the Bill during the present Session.

LORD MONTEAGLE thought the opposition which had been offered to the present Bill was unreasonable, as all parties had agreed that the Bill was a good measure, and were anxious that it should pass. If he did not think it might endanger the Bill, he would be disposed to move to refer it to a Committee upstairs, for he thought their Lordships would in one day, with the assistance of the officers who had drawn up the Bill, make it a complete and perfect measure.

The EARL of GLENGALL said, he also entertained several objections to the Bill, and particularly with respect to its jurisdiction, which he thought ought to be increased to 50*l.*

The MARQUESS of CLANRICARDE having briefly replied,

LORD BEAUMONT said, that on general grounds it was highly expedient to bring in a Bill of that importance at an earlier period of the Session. Although the principle of the measure was fully conceded, yet it being entirely a matter of detail, it was only in Committee they could properly deal with it.

Resolved in the *Affirmative;* Bill read 2ª accordingly.

THE LAW OF SETTLEMENT—FREE TRADE.

LORD BERNERS presented petitions from Guardians of the Poor in Unions in Norfolk, Leicestershire, and other places, praying for alteration in the Law of Settlement, and that the whole of the property in the United Kingdom may be assessed in just and equal proportions. The petitioners state—

> "That your petitioners beg to assure your Lordships that the distress of which they complained in 1849 caused by the alteration of duties on foreign produce is unabated; since that period, even in this rich grazing district, numerous farms have been thrown up by the occupiers, and they all feel the difficulty of meeting the heavy burdens upon the land, which, from the increasing want of employment among the manufacturing operatives, they have reason to fear must be greatly increased, and which, with the diminished return from their produce, it will be impossible to meet."

He had in his hand a vast number of letters from the chairmen and vice-chairmen of different Boards of Guardians, all confirming the allegations of the petition. The statements which came under his notice declared there was an entire cessation of labour on the part of the working population in some of the manufacturing districts. In a Leicester paper it was stated that one-tenth of the population, including 6,000 operatives, were thrown upon the poor-rates. He did not take this report on the authority of the newspapers only; he had made inquiries of the relieving officer of the district, and from that officer he learned that the report was substantially correct; that there were 9,990 odd upon the books receiving relief—as near as possible one-tenth of the population, and that there had been 700 applicants that week. This certainly was not a state of prosperity, and these facts completely belied the assertions of the friends of free trade. He should find further evidence of the increasing distress in the number that received relief last year. No dependence, however, could be placed on the Poor Law Report. The statements in that report, if investigated, would be found to be fallacious. The report varied in its statement of the number of unions from which it drew its conclusions. In one place the number was stated at 590, in another 593, in another 595; whereas it appeared there were 637 unions. Other parts of the same report would be found to be equally incorrect, and that no reliance could be placed upon it as a guide to the condition of the country. It was stated in one part of the report that from the numbers of returns made on a particular day in January and July, compared with the previous year, a reduction of 60,000 persons receiving relief was exhibited; but the report did not state the causes of that reduction, nor did it state that which the former report stated. It was brought forward to prove the increasing prosperity of the country, and to show that this alleged prosperity depended on what was called free-trade measures. But a few figures would form an answer to that assertion. He found from the report of the Poor Law Commissioners, in 1838, the sum expended for the relief of the poor in the seven years when the price of wheat was lowest, was 34,466,816*l.*; in seven years when the price of wheat was highest, 34,259,454*l.*, showing there was more expended in the seven years when wheat was lowest by 207,362*l.* The rate per head of such expenditure on estimated population when wheat was lowest, 6*s.* 3*d.*; in the seven highest years, 6*s.* 1¼*d.*, showing 1¾*d.* more per head when wheat was lowest. This clearly proved that a decrease in the number of persons receiving relief did not depend on the price of provisions. Another noble Lord had brought before their Lordships a comparative statement of crime to prove the advantages of free trade. Now he was able to demonstrate by figures that crime had increased more than population. He found the number of prisoners tried during the winter half-year was—

Sessions—		
No. of prisoners tried, 1849-50 ...	6,714	
Ditto, ditto, 1850-51 ...	6,951	
Increase		237
Assizes—		
No. of prisoners tried, 1850 ...	1,798	
Ditto, ditto, 1851 ...	2,127	
Increase		329

Showing a total increase of 566, or nearly 7 per cent. He also found that cases of larceny had increased nearly 4¼ per cent. Look, again, at the savings banks returns. Their Lordships would find there was an immense decrease both in depositors and deposits during the last few years. There were 20,671 fewer depositors, and 3,206,000*l.* less deposits, since free trade commenced. The comparative statement showed the decrease had commenced with free trade, and was as follows:—

	No. of Depositors.	Amt. of Deposits.
1846	1,108,025	£31,743,250
1849	1,087,354	28,537,010
Decrease...	20,671	£3,206,240
From 1843 to 1846—Gradual Increase.		
1843	935,350	£27,177,315
1845	1,062,930	30,748,868
1846	1,108,025	31,743,250
Decrease.		
1847	1,095,554	£30,207,180
1848	1,056,881	28,114,136
1849	1,087,354	28,537,010

Again, if their Lordships referred to the Poor Law Board report of the amount of expenditure of the poor-rate, it would be seen there were various items in the return which did not properly come under the head of poor relief, but which were comprised in the gross charge for the relief of the poor. The total levied was 7,270,493*l.*; the sum spent for relief of the poor, 5,395,022*l.*; showing an amount for extraneous charges of 1,875,471*l.* In other years these extraneous charges varied from 2,000,000*l.* to 2,677,000*l.* Now of this amount such items as these, law charges, 775.582*l.*; ditto before magistrates, 65,120*l.*; other purposes, 366,739*l.*; vaccination, 23,634*l.*; registration fees, 58,637*l.*; surveys, &c., 14,196*l.*; jury lists, 28,733*l.*; census, 57,111*l.*—ought, in common justice, to be thrown on the general fund of the nation, as they did not apply to land any more than they did to other property. There was another point to which, especially, he begged their Lordships' attention. He referred to the amount of the establishment charges, which absorbed 1-17th of the whole sum raised for poor-rates; all the officers of the Poor Law establishment being under the control of the Poor Law Board, without whose sanction they could not be varied, nor could officers otherwise be appointed or removed; the petitioners not unreasonably thought these charges, which did not belong exclusively to land more than to other property, ought to be thrown on property generally. He would just remind their Lordships of what had fallen from the Vice-President of the Board of Trade (Earl Granville), when speaking of the landed interest, and their claims to consideration. The noble Earl said, in treating with Government, they must not expect generosity, but look to what was just and right. That was the very plea of the petitioners. They did not appeal to the generosity of Government, they appealed to what was founded on right and justice. He regretted this important subject had not fallen into abler hands, but he hoped the subject would meet with justice at the hands of their Lordships notwithstanding the inability of its advocate. The petitioners prayed that the rates, which were not applied to an exclusive class, should be levied on all classes generally. The petitioners next referred to the law of settlement as it now existed, imposing a grievous hardship upon them. He begged, in confirmation of their opinion, to refer their Lordships to the evidence before the Committee of both Houses of Parliament, proving that the law of settlement was the chief grievance under which the labouring classes suffered—that it was a source of great hardship in cases of removal—and that it was the prolific source of nearly all parochial litigation. The expenses of that litigation varied from 200,000*l.* to 220,000*l.* yearly. If their Lordships referred to the able Report of the Select Committee, it would there be found stated that every local settlement was injurious to the public weal. For more than 30 years he had been engaged in trying to ameliorate the condition of the poor—to elevate their character, and to improve their morals; but wherever he fancied he had achieved some good, he found the law of settlement came in and neutralised his efforts. He regretted Government had not brought forward a measure before to settle this question. He was perfectly satisfied the proposition of union settlement would not effect the desired object: the expenses of litigation would not cease; there would be the union in the place of the parish purse to fight with. This would create a greater amount of evil and injustice than existed under the present system. The petitioners were anxious to have the law of settlement repealed, and they wished unions and boards of guardians to continue to have the management of the poor. He desired particularly to call their Lordships' attention to that part of the petition. The petitioners having stated the grievances of which they complained, concluded by submitting—

"That the laws of settlement and removal of the poor be repealed. That, for the purpose of relief, every poor person shall be deemed settled wherever he becomes destitute. That, with a view to civil rights, parochial charities, statistical returns, &c., every person shall be held from this time to belong to the parish in which he may be born, or in which he may have resided for a given number of months. That the unions and boards of guardians, as at present constituted, shall continue, and shall have the same local management and superintendence of the poor. That the payments from the ratepayers of each parish in each union throughout the kingdom shall be in proportion to their last triennial average payments for the relief of the poor; after each lapse of (three) years new averages to be taken of the amount of relief legally administered within the union during that time, which new average shall regulate the payments to each union during the (three) years ensuing. That a paid collector be appointed in given districts where found advisable. That with a view of preserving a stimulus to local vigilance, and ensuring an economical administration of the funds, each union shall pay a certain proportion of the expenditure for relief (as may be agreed upon, say one-third, one-fourth, one-fifth, or one-sixth, as may be deemed sufficient for that purpose), and that at the end of every quarter the auditor shall report to the Secretary of State, in the same way as the clerks of assize or of quarter-sessions report at present the amount of criminal prosecutions, and as the clerks of unions in the cases of expenses of medical relief, schoolmasters and mistresses, and that such proportion as agreed should be repaid out of the Treasury. That (as was lately proposed by the Chancellor of the Exchequer) the costs of all pauper lunatics confined in the county asylums shall be paid out of the Treasury. That thus a portion of the national burden of the relief of the poor shall be borne by the nation at large, every description of property being called upon to contribute, as in the property tax;

your petitioners beg to refer to the Report of the Select Committee of your Lordships' House last Session, which induces them to hope this just principle may without delay be carried out. Your petitioners, therefore, humbly pray that your Lordships may take this petition into your serious consideration, in order to adopt such measures as in your wisdom you may think best for the relief of your petitioners, and doing justice to all classes of Her Majesty's subjects."

Petition read, and ordered to lie on the table.

House adjourned till *To-morrow.*

HOUSE OF COMMONS,

Thursday, July 24, 1851.

MINUTES.] PUBLIC BILLS.—1ª Canada and New Brunswick Boundary.

2ª Metropolitan Sewers; Emigration Advances, Distressed Districts (Scotland); Church Building Acts Amendment; General Board of Health (No. 3); Sheep, &c., Contagious Diseases Prevention; Commissioners of Railways Act Repeal; Representative Peers for Scotland.

3° Customs; Soap Duty Allowances; Militia Pay; General Board of Health (No. 2).

MEDICAL CHARITIES (IRELAND) BILL.

Order for Committee read.

House in Committee.

Clause 6.

MR. REYNOLDS moved the following Proviso at the end of this Clause, namely—

> "Provided always, That in every Dispensary district and other Charity, where only one medical officer shall be appointed, every such officer shall be required to possess the qualification of either 'physician,' or of 'apothecary and surgeon.'"

SIR WILLIAM SOMERVILLE said, he must oppose the Proviso; he considered it calculated to hamper the working of the Bill.

MR. WHITESIDE would support the Amendment, because it would secure the appointment of either a physician or a surgeon who had graduated in the University.

MR. WAKLEY saw no utility in the measure at all. What the people of Ireland wanted was food, not physic.

MR. HATCHELL said, that probably the best course would be to omit the Clause altogether, leaving the appointments to the discretion of the Poor Law Commissioners.

MR. NAPIER opposed the Proviso, on the ground that it would exclude persons who were perfectly qualified, and would fetter the power of choice of the Poor Law Commissioners.

MR. ROCHE did not think the hon. Member for the city of Dublin (Mr. Reynolds) had made out a case for the apothecaries.

Question put, "That the Proviso be there added."

The Committee *divided:*—Ayes 6; Noes 65: Majority 59.

MR. G. A. HAMILTON then moved to add the following Proviso at the end of the Clause:—

> "Provided always, and be it enacted, That in making any order or any rules and regulations touching the qualifications of persons eligible to fill the offices of medical attendants to any dispensary, hospital, or infirmary, under this Act, it shall be lawful for the said commissioners, and they are hereby required, to call in the president of the King and Queen's College of Physicians, and the president of the Royal College of Surgeons, Ireland, for the time being, and in all matters touching such order or rules and regulations respecting the qualifications of such medical attendants, but on no other, said presidents respectively shall have a vote, and shall have equal authority with each of the said commissioners as aforesaid."

SIR WILLIAM SOMERVILLE hoped the hon. Member would not press the Amendment.

After some conversation, the Amendment was withdrawn.

COLONEL DUNNE then moved, as an Amendment, that the Clause should be altogether expunged. The main objection to the Clause was, that it vested monstrous powers in the hands of the Poor Law Commissioners, whom he did not hesitate to say he very much mistrusted. He had no confidence that they would exercise those powers with a sound discretion. He was most strongly opposed to the centralising tendencies of this measure. The fullest powers ought to be given to the local guardians to administer the affairs of the districts in which they lived, and the expenditure of the money which they themselves contributed. It was impossible for the Poor Law Commissioners to discharge these duties to the advantage of the poor, or to the satisfaction of the country. They had hitherto abused their powers most grossly; they had taxed the country most unnecessarily, and had relieved the poor most inefficiently.

MR. ROCHE supported the Clause. What his hon. and gallant Friend (Colonel Dunne) proposed was, in fact, a return to the old vicious system; but for himself he entirely approved of a central body in

Dublin with the control which this Bill gave them. He considered it to be the only means of checking the frightful diminution of population now going on in Ireland.

Lord NAAS hoped his hon. and gallant Friend would not press his Amendment.

After a few words from Colonel Dunne, the Amendment was withdrawn, and the Clause was *agreed to.*

Clause 7.

Mr. VESEY moved an Amendment, to the effect that subscribers of 1*l.* annually, and donors of 20*l.*, resident in the district, should be eligible to serve on the committee of management of medical charities.

Amendment proposed in page 4, line 3, after the word "therein," to insert the words "and subscribers of one pound annually, or donors of twenty pounds resident in the district."

Lord NAAS cordially supported the Amendment.

Mr. HATCHELL should oppose the Amendment, as opening a door to the exercise of undue influence on the part of local subscribers in the election of the officers.

Mr. H. HERBERT hoped the right hon. Gentleman the Chief Secretary for Ireland, would consent to consider this Amendment. It was very desirable to encourage private subscriptions to these institutions, and it was only reasonable to allow private contributors some voice in the management.

Question put, "That those words be there inserted."

The Committee *divided:* — Ayes 27; Noes 38: Majority 11.

Clause *agreed to;* as was also Clause 8.

House resumed.

Committee report progress.

EPISCOPAL INCOMES.

Sir BENJAMIN HALL begged to put a question to the right hon. Gentleman the Member for the University of Cambridge, as one of the Ecclesiastical Commissioners. The right hon. Gentleman was aware that there had been laid before the Ecclesiastical Commissioners returns of the episcopal incomes, which returns had been embodied in the last Report of the Commissioners presented to that House. It had been asserted that those returns did not give the exact value of the property of the sees so returned, and that in certain cases, to which it was unnecessary to refer particularly, bishops had stated the incomes of their sees for several years; but where they had given a lease of certain property to a trustee, and had not received any fine for that property, the value of the property so leased had not been inserted. He wished, therefore, to ask the right hon. Gentleman this question—whether, when the archbishops and bishops sent in their returns of annual income, the same included the full value of the property leased by bishops to themselves or to their trustees, without taking fines for it, or when small fines had been given; or whether the return of income was independent of the value of the property thus leased?

Mr. GOULBURN: With respect to these returns, made to the Ecclesiastical Commissioners under the Act of Parliament, the House ought to be aware that the returns are only made for the purpose of calculating from those returns the sum which the bishop who is to succeed to the see ought to pay to or receive from the Ecclesiastical Commissioners, and that any error made in those returns, whether from excess or deficiency, can in no degree affect the interest of the bishop making those returns. The hon. Gentleman (Sir B. Hall) has asked me generally whether, in estimating the amounts of income thus returned, the value of leases granted to trustees without fines or upon small fines ought not to be included. I certainly admit to the hon. Gentleman that that ought to be the case, and as he has called my attention to the case of the Bishop of London, perhaps the House will allow me briefly to state what has been the course which that prelate has pursued. In the year 1843 that right rev. Prelate made a return, in the form shown in the books upon the table, of what he had received as revenue, and of the deductions which ought to be made from it; and thinking, as the hon. Gentleman and myself think, that leases granted to a trustee ought to form an element in the judgment of what his successors should pay or receive, the right rev. Prelate appended to his return in distinct terms a statement that he had granted a lease to a trustee of a particular property. Upon that statement the Commissioners, by their accountant and secretary, fixed the amount of fine which would have been paid on that particular lease, and added to the amount of income of the bishop, on which the future estimate was to be made, one-seventh of the value of the fine, which was equivalent to taking the average of the seven years into which it would have come if it had been returned in the year 1843. Therefore, in calculating the sum of 5,500*l.*, which was to be paid by the next Bishop of London, they did take into their calculation that portion of income which would have been derived from a fine paid on this particular lease, had it been granted upon a fine. In the year 1850, the bishop, having learned from the Commissioners the course that was to be pursued, included in his return for 1850 the proportion of the fine which would have been paid on that year if the lease had been granted to another person, and thereby furnished the element on which an accurate calculation could be made of the income of the See. If the hon. Gentleman will take the average of the income for the period returned, he will see that it falls far short of the amount taken in the calculation on which the return was made. The average income of the See for the period returned is 14,500*l.*; whereas the average of income on which the calculation was made was taken at 15,500*l.*; therefore the hon. Gentleman must see clearly that there was an addition made beyond that which appeared on the return of the bishop. I think I have explained to the hon. Gentleman the principle on which the calculation of the future income of the See has been made.

SIR BENJAMIN HALL: The right hon. Gentleman has answered that question correctly; but a question he has not answered is this—whether the amount given as annual income in those tabular statements is independent of the value of property which the bishops have leased to themselves or to trustees, in this way—where a bishop returns the value of his See at 4,100*l.*, and has granted a lease which we are led to believe is worth 11,500*l.*, whether we are to believe that the tabular statement of episcopal incomes gives the whole value of the See for which the income is stated, and includes the property which they have granted to their trustees?

MR. GOULBURN: I really am unable to answer that; I do not know whether in every instance such grants have been brought to regular account; but certainly, in making the calculation of income, property of that sort ought in every instance to be brought into account.

LORD JOHN RUSSELL said, he had a communication to make in reference to a statement he had made on a former evening, that the Archbishop of York had paid to the Ecclesiastical Commissioners all that was due, or was ready to pay it. He had since received a letter from the most rev. Prelate, saying that his attention had been called to the statement thus made, in reference to which he wished to offer the following explanation:—

"Bishopthorpe, York, July 14, 1851.

"My dear Lord—I have only this morning seen the reply you made in the House of Commons, on Friday night last, to a question put by Sir Benjamin Hall. In that reply there is an error respecting my payments to the Ecclesiastical Commissioners, which I take the liberty of pointing out. You are reported to have said, 'the Archbishop of York has, I believe, already paid all that was due.' The accuracy of this statement depends on the meaning of the word 'due.' If it were intended that, under any circumstances of income, and at all events, I should pay 2,500*l.* a year, then I have not paid all that was due. But if it was intended, as declared by the Order in Council, that the income of the archbishop should be 10,000*l.* per annum, then I have paid much more than is due. This will appear from the following figures, taken from the blue book, which of necessity include three years and two months, from the death of the late archbishop to December 31, 1850, but I am accounting now for the three years only:—

Net income in 1848	£6,518
— 1849	17,547
— 1850	6,986
	31,051
Deduct the amount which I have paid	3,750
	27,301
	31,051
Deduct 2,500*l.* yearly for three years	7,500
	£23,551

Had I, therefore, paid only the surplus on the three years, I should have paid to the Commissioners 1,051*l.* But I have paid 3,750*l.*; and if I am called upon to pay the whole 2,500*l.* per annum, or 7,500*l.* on the three years, I should have received only 23,551*l.* instead of the 30,000*l.* assigned by Order in Council—that is, I should have received yearly 7,850*l.* instead of 10,000*l.* This could never have been intended, and in my first year (1848) the payment would have been impossible. I have several times expressed to the Ecclesiastical Commissioners my readiness and my anxious desire to be brought under that management which has been in some instances adopted, namely, that the yearly income assigned to the See of York by Order in Council should be secured, and that any surplus, whatever it may be, should belong to the Ecclesiastical Commissioners.—I am, my dear Lord, your faithful Servant,

"T. EBOR.

"The Lord John Russell."

Subject dropped.

CUSTOMS BILL—THE NAVIGATION LAWS.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

Mr. HERRIES said, it was not without some reluctance that he rose to interrupt the progress of the Bill now before them, by proposing the Amendment which he had placed on the paper; but the course he was under the necessity of pursuing afforded the only means of which he could avail himself for the purpose of fulfilling the duty which he felt was imposed upon him, of bringing under the attention of that House the complaints of a great and important body of his fellow-subjects, whose petitions he had, in conjunction with other hon. Members, at various times presented to it. On the 29th of April last, he had the honour of presenting to that House a petition with 260 signatures, comprising with (he believed) only two exceptions, the names of all the principal shipowners of the port of London. He had since, also, had the honour of presenting similar petitions from Liverpool, from Glasgow, from North and South Shields, from Newcastle, from Hartlepool, from Montrose, from Cork, from Belfast, and several other ports—in short, it might be said that the petitions presented were from the shipowners of the United Kingdom. When, therefore, the petitions to which he referred emanated from so important a body as that, he should, indeed, be wanting in his duty to them and to the country if he did not take some opportunity of explaining to the House the grounds on which their complaints were founded, and of urging on Her Majesty's Government the necessity of taking such steps as were calculated to afford them at least some relief from the grievances under which they laboured. But it was not alone on account of the interests of this great and important class of the community that he brought their complaints under the notice of the House; but it was equally on account of the very intimate connexion that subsisted between this class and that which is an essential element of the power and greatness of this country—the naval power of Great Britain. He believed that it was admitted on all sides, with the single exception of the hon. Member for Stoke (Mr. J. L. Ricardo), that upon our mercantile marine, the naval and maritime power of this country in a great degree depended. Her Majesty's Ministers had assented to this; the hon. Member for the West Riding (Mr. Cobden) had acknowledged it with great distinctness; and the hon. Member for Montrose (Mr. Hume) had emphatically expressed his opinion that the protection of the British sailor was necessary to the maintenance of the British Navy. What, then, were the complaints which chiefly presented themselves in the statements made by those whose petitions had been presented from time to time to that House? They had, whenever that subject had been referred to, heard much from Members of the Government of the good effects of the repeal of the Navigation Laws—indeed, their beneficial results had been proclaimed with a flourish of trumpets from the Ministerial benches, and from one or two other quarters, on more than one occasion during the present and the preceding Session of Parliament. But now here came this large and influential body of shipowners—parties who were surely those best qualified to bear testimony to the effect of the repeal of the Navigation Laws—and they told them that the results of that repeal had been exactly the reverse of what Her Majesty's Government had anticipated, and in exact conformity with the fears to which hon. Members on that (the Opposition) side of the House had given utterance. They insisted that the proof of the correctness of what they affirmed was to be found in the vast diminution in the rate of freight under which they suffered, stating that, under the circumstances in which they were placed, they were compelled to navigate their ships under a great diminution of the rate of freight, and complaining that the result of the present system was to themselves, as the agriculturists had complained it was with regard to their operations, an unremunerative, or, rather, a losing employment of capital and industry. Now, in order to show whether what was here alleged was true or not—whether the shipowners of this country were not suffering great loss from diminution of the rates of freight—he would refer to a document he held in his hand, and which showed the average rates of freight, from various ports to those of this country for a period of five years, from 1845 to 1849 inclusive, and also according to the latest quotations for this year. From this paper it appeared that freights generally were, on the whole, reduced by not less than 30 per cent. For instance—

	1845 to 1849. £	s.	d.		1850. £	s.	d.		About p. ct.
Calcutta	5	4	1½	...	3	13	11½	...	30
Bombay	3	16	7¾	...	2	15	7½	...	38
Madras	4	5	11¼	...	3	9	4½	...	25
Ceylon	4	17	2½	...	3	17	6		
Mauritius	3	13	1¼	...	2	12	11	...	40
China	4	11	3	...	3	3	9	...	44
Sydney	4	2	8½	...	3	0	0		
Jamaica	4	0	0	...	3	0	0	...	33
Demerara	2	15	0	...	1	10	0		
Quebec	1	19	0	...	1	12	0	...	20
St. John's, N.B.	1	15	10¾	...	1	8	0		

It would be admitted, therefore, that, generally speaking, the rate of freight had been reduced to the extent of 30 per cent. But he also held in his hand an extract from a letter which had been shown him, from China, in which it was stated that shipping was loading from the ports of China, and Hong-Kong, at 40*s.* and 42*s.* per ton, and that so long as American vessels came there from St. Francisco as they did, it was utterly impossible to compete with them, for there was no chance of remunerative employment for British ships. When it was proposed to repeal the Navigation Laws, those who supported that measure held out to the shipowner (as they did to the agriculturist when it was proposed to repeal the corn laws), that it would not make any great difference in the remunerating price which he would receive for his commodity; and that British industry and capital would still have the carrying trade in spite of the competition to which it was to be subjected. But if the document which he had read was correct, we were fairly beaten out of the market by the Americans at least. The shipowners complained, not merely of the loss of freight, but of that which produced it, the diminished employment of their ships in the commerce of Great Britain, by reason of the introduction of that foreign shipping which it was said could not be sailed cheaper than our own, but which had nevertheless driven out British shipping to a large and an increasing extent in every branch of British commerce. For the purpose of making this clear to the House, he would refer to some accounts before him of the progress of British and Foreign shipping in all the ports of this country. He held in his hand an account of the British and foreign shipping, employed in the foreign trade, in the ports of the United Kingdom, in the years 1842 to 1850, inclusive, carefully extracted from the annual accounts furnished to Parliament, and in which he found that there was from year to year, previous to the repeal of the Navigation Laws—that is' from 1842 to 1849—a nearly proportionate increase of British and foreign entries inwards and outwards, as shown by the account which he would read :—

Years.	Tonnage inwards.		Tonnage outwards.	
	British.	Foreign.	British.	Foreign.
1842	3,294,795	1,202,303	3,375,270	1,252,176
1843	3,545,346	1,301,950	3,635,833	1,341,433
1844	3,647,463	1,402,138	3,852,822	1,444,346
1845	4,310,639	1,735,079	4,235,451	1,796,136
1846	4,294,733	1,806,282	4,393,415	1,921,156
1847	4,942,094	2,253,939	4,770,370	2,312,793
1848	4,565,533	1,960,412	4,724,027	2,056,654
1849	4,884,210	2,035,690	4,785,428	2,299,060
1850	4,700,199	2,400,277	4,743,345	2,662,243

But the year 1850, compared with the year 1849, showed of—

INWARDS.	Tons.
British Shipping—Decrease	184,000
Foreign Shipping—Increase	364,000
Total comparative disadvantage to British Shipping	548,000

OUTWARDS.	Tons.
British Shipping—Decrease	43,000
Foreign Shipping—Increase	363,000
Against British Shipping	406,000

Again, the year 1850, as compared with the average of three preceding years, showed—

INWARDS.

Aver.	British.	Foreign.
3 yrs.	4,797,000	2,082,700
1850	4,700,000	2,400,000
Dec.	97,000	
Inc.		417,400
Total disadvantage to British Shipping		414,000

OUTWARDS.

Aver.	British.	Foreign.
3 yrs.	4,759,000	2,223,000
1850	4,742,000	2,662,000
Dec.	17,000	
Inc.		561,000
Total against British Shipping		578,000

Now, the effect of all this has been to diminish, to an enormous extent, the employment of British shipping, and to augment the employment of foreign ships; and that with a systematic regularity, which rendered it impossible to say that it was a mere accidental occurrence. But he might, perhaps, be told that things had been better since the commencement of the present year. He would take, however, the first five months of this year, and show the House that there had been an actual diminution during that period. For instance, look at this :—

Account of Tonnage entered inwards, for five months, ended 5th June, 1850-51.
Total — 1850, 1,916,386; 1851, 2,251,141; 334,755 increase, or 17 4-10ths per cent.

British Tonnage.
1850, 1,271,607; 1851, 1,334,956; 63,349 increase, or 4 9-10ths per cent.

Foreign Tonnage.
1850, 644,779; 1851, 916,185; 271.406 increase, or 42 per cent.

Let him also draw their attention to the following account of tonnage of British and foreign vessels employed in the foreign trade, and entered inwards at Liverpool, in the last four years:—

Years.	British.	Foreign.
1848	880,600	499,438
1849	959,822	595,355
1850	975,243	541,213
1851	960,319	755,839

Showing a decline of British in the last year ... ... 15,000 tons.
And an augmentation of foreign, 214,600 ,,

He had an account also from Lloyd's Register, from which it appeared that the number and class of ships entered on the register published at Lloyd's on the 1st July, 1849, 1850, and 1851, was as follows:—

	Class A.	*Æ.	Æ.	E.	No. character.	Total.
1849.	5,713	1,106	2,109	302	1,488	10,723
1850.	5,835	1,109	2,025	282	1,454	10,711
1851.	5,673	1,238	1,913	261	1,310	14,431

Showing a decline in 1851, as compared with 1850, of first-class ships, 162; total, 280.

But, again, he had taken the trouble of looking back to the progress of British tonnage for a certain number of years, and had calculated its condition in averages of five-year periods, from the year 1830 to the present time, and he found that the following were the results:—

Years.	Average.	Increase.	Decrease.
BRITISH.			
1830 to 1834	2,243,084	—	—
1835 to 1839	2,690,422	447,338	—
1840 to 1844	3,409,249	718,827	—
1845 to 1849	4,599,442	1,190,193	
1850	4,078,544	—	520,898
FOREIGN.			
1830 to 1834	773,880	—	—
1835 to 1839	1,080,972	307,092	—
1840 to 1844	1,332,170	251,198	—
1845 to 1849	1,958,280	626,110	—
1850	2,035,152	76,872	—

Such, then, was the state of the shipping interest of this country. He thought he had shown that there had been a marked reduction, first, in freights; and then, as to the state of their shipping, both inwards and outwards, in 1850, and as far as they had gone in 1851, as compared with antecedent years, and he was prepared to contend that that effect was in consequence of the repeal of the laws by which, up to 1848, they had protected their own shipping from foreign competition. The results which he had shown were unquestionably the consequence of the repeal of those laws in 1849. There could be no doubt of it. They (the free-traders) could never successfully contend against that conclusion. And if our own shipping had been diminished to this extraordinary extent, and foreign shipping had received so remarkable an augmentation, he was next compelled to inquire whether there was any truth in the argument, so often urged on the other side of the House, that as some compensation for these losses in point of shipping, it must be admitted that one effect of the existing system of commercial policy had, at all events, been an augmentation in the amount of British exports. They had been told that so often that he was compelled to enter into the subject, and to inquire whether it were true that such augmentation (which had undoubtedly taken place) was entirely a consequence of that change of commercial policy of which we had been told by a great authority that the repeal of the Navigation Laws was only as the crowning capital of a magnificent column. In order to enable the House the better to form a judgment on this point, he would endeavour to show, from official documents, that, while the positive progress in the amount of our annual exports was not peculiar to the years of free trade, the ratio of augmentation was actually greater in antecedent periods of protection. For this purpose he would read an account of the exports from this country, as expressed in official and declared values, for periods of four years, each between the years 1826 and 1849. His reason for taking these six periods of four years each was, that the last two periods embraced the years between 1842 and 1849, containing four years of what he might call incipient free trade, and four years of free trade properly so called; he wished to contrast the progress made in the augmentation of exports in the eight years from 1842 to 1849 with the antecedent periods; and he thought he should be able to show that in the whole series of four yearly terms those least marked by an increase in exports were the two last periods. He found, then, that the average official value of our exports was as follows:—

	OFFICIAL VALUES.		DECLARED VALUES.	
Years.	Average Amount.	Incr. pr. ct.	Average Amount.	Incr. pr. ct.
1826-1829	50,548,000	—	35,340,000	—
1830-1813	34,209,000	27½	38,064,000	7¾
1834-1837	77,649,000	20	46,095,000	21
1838-1841	98,696,000	27½	51,346,000	11½
1842-1845	121,075,000	22¾	54,590,000	6¼
1846-1849	138,893,000	14	58,268,000	6¾

If the exports of the last year (declared value) were added to the last preceding four years, the average of the then five years would be 60,875,000, and the increase beyond the average of 1846 to 1849 would be at the rate of 11 1-7th per cent. The official values in each period exceeded the declared values as follows: 1st period, 43 per cent; 2nd, 70; 3rd, 68; 4th, 92; 5th, 121; 6th, 138; and in the last year (1850), 146 per cent. It appeared, then, that the rate of progress of their exports in the two four-yearly periods after the commencement of the free-trade system, was less than was the rate of their improvement during the previous periods when protection prevailed. The average annual amount during the nine-year period, between the years 1824 and 1832, was 36,720,000*l.*; during the nine years between 1833 and 1841, it was 47,820,000*l.*, being an increase under the protective system during the nine years last mentioned over the nine preceding years of about 30¼ per cent. The average annual amount during the nine years which had elapsed since 1841, a period during which the free-trade system had been progressively advancing, was 57,850,000*l.*, being an increase of not more than 20 per cent. He mentioned these facts merely for the purpose of proving the utter futility of that process of argument which aimed at demonstrating the superiority of one system over the other by the mere augmentation of exports. He had shown that there had been a much greater increase of exportation under the protective system, than had taken place under the free-trade system. He was not so precipitate as to attempt to draw from that mere fact the conclusion that the former system was the better of the two; but he thought he was entitled to say that the Government had no right to draw the opposite conclusion. The next point to which he would beg leave to direct the attention of the House was the remarkable difference between the official and the real value of these exports during the operation of the two systems. During the first period of four years to which he had alluded, the official value exceeded the declared value by 43 per cent; during the second period, by 70 per cent; during the third period, by 68 per cent; during the fourth, by 92 per cent; during the fifth, by 120 per cent; and so it went on progressing, until during the last period the official value had exceeded the declared value in no less a proportion than 138 per cent. During the last year also the official value exceeded the declared value in the unprecedented degree of 146 per cent, which showed that day by day the inequality in this respect was becoming more and more glaring, and showing the constantly diminishing value of the productions of our industry in exchange with the money and commodities of foreign nations. He now came to the object of his present Motion, and that which he had stated when he presented the petition from the Port of London, to be the just ground of complaint on the part of the shipping interest—the diminution, namely, of their remunerative returns, the depression of their hopes, and the ground on which they came to Parliament to ask for a consideration of their case. If it had been the intention of those who introduced the measure for the repeal of the Navigation Laws, that fewer British ships and fewer British seamen should be employed, and that the trade of the foreigner in this respect should be proportionably increased, it must be admitted that they had now abundant cause for exultation. He acquitted Her Majesty's Ministers of any such mischievous intentions or expectations. But he must, in justice to the shipowners, draw the attention of the House to the grounds of their complaints under the actual results of the disastrous measure, the passing of which he and his Friends had so strenuously, though unsuccessfully, resisted. The shipowners complained that the Government had taken no steps whatever to enforce a Clause in the Act of 1849, which was an essential feature of that measure, and which, moreover, was considered by many as its most important recommendation. He alluded to the provision popularly known as the "retaliatory clause." The Shipping interests were given to understand that, by the operation of that clause, there would be secured to the British shipowner the same facilities for entering into rivalry with the foreigner in foreign ports and colonies, as the foreigner enjoyed for competing with the British shipowner in our ports and possessions abroad. They hoped it would be so, and it was but reasonable that they should entertain such an expectation. The right hon. Gentleman the President of the Board of Trade, so far from discouraging this hope, had done everything in his power to foster and promote it. He said that, in the retaliatory clause there would be found ample means for ensuring equal justice to the British shipowner; and he declared that, if other nations should be so perverse or infatuated as to refuse to reciprocate the liberal policy of England, there would be at all times a power, on the part of this country, to enact such stringent measures as would induce foreign nations to meet us in the wide field of liberality on which we were then about to enter. Now, what the British shipowners chiefly complained of was, that nothing of that kind, absolutely nothing, had as yet been attempted. During the progress of the Bill through Parliament, various methods were suggested whereby to effect that object which it was the purpose of the retaliatory clause to achieve. Both the hon. Member for Kilmarnock (Mr. Bouverie), and the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), had submitted suggestions on the subject, which, however, were not sanctioned by any Vote of that House. But the effect of those suggestions, and of many others that were made at the time, was to admonish the Government that the best course that this country could have adopted would have been not to have given up the rights, privileges, and preferences in their own navigation which they then enjoyed, until they had ascertained whether other nations were prepared to give reciprocal advantages. He had himself again and again forewarned the Government against granting any boon to foreign nations until they had seen that foreign nations were ready to make a like concession. He thought then, and was still of the same opinion, that such a course would have been the least dangerous, and in all respects the most satisfactory; but unfortunately his admonition had been disregarded. When the Bill reached the House of Lords, his noble Friend the Earl of Derby, then Lord Stanley, proposed that the Bill should be recast and passed in such a shape as that if any foreign nation should be willing to give to the ships of this country like privileges to those which we were ready to concede to them, that then measures should be taken to repeal the Navigation Laws, so far as that particular country was concerned. It was greatly to be deplored that that sensible and judicious Amendment had not been adopted, for if it had, it was probable that the shipping interest would not be in the lamentable condition which it now was. The conduct of the Ministers at that time and since had been such as to create a suspicion (and he hoped that it was unfounded in truth), of a want of sincerity and fair dealing on their part. If there had been no intention to put this retaliatory clause into operation, surely there could have been no worse policy than to have proposed it at all. They were told that foreign countries would not hesitate to reciprocate the generous policy of England; but, alas! how lamentably had these predictions been falsified by the facts. So far from exhibiting any disposition to reciprocate favours, the principal maritime Powers had only manifested a more decided determination to protect themselves by maintaining their exclusive systems. It was easy enough, and natural, for the smaller maritime States of the Baltic, such as the Swedes and Danes, to receive with joy, and to accept on terms of so-called reciprocity, our change of policy; because they were to derive the greatest benefits from it, and had nothing to give to us in exchange: to these States, more perhaps than to any others, it was an immense and unrequited boon, which opened to them a vast extent of carrying trade in British commerce, in which their cheaper shipping must have the advantage over our dearer vessels and seamen. Other nations not so fitted for that carrying trade, and having large commercial interests of their own to look after, had treated our propositions differently. Belgium had done nothing for us, but, on the contrary, had manifested the strongest determination to maintain its restrictive policy. Prussia, from whose good offices so much had been anticipated, and to whose willingness to reciprocate any liberal measures such repeated reference had been made, but who, in point of fact, had only two ports which could be entered by vessels of a moderate size—even Prussia had shown no alacrity to follow our example. The last accounts from that country were, "that Prussia was not yet ripe for any decision, for that the German empire was not yet settled." The accounts from France, Spain, Portugal, and America, were not more encouraging. Holland, indeed, had declared her willingness to allow British ships the privilege of free intercourse with her colonies; but Holland was so much fettered in her commercial regulations—by the "maattschappij," or monopoly of the Dutch East India Company, that it would not be possible for English ships to avail themselves of that supposed concession. The Government of Holland was so bound by those engagements, with respect especially to her commerce with her valuable colony in Java, that it would be altogether out of the question for an

English ship to work itself into competition with their vessels, and, therefore, the Dutch had still *de facto*, if not *de jure*, a monopoly of the intercourse with her own colonies. France gave us nothing. She preferred the old system—he (Mr. Herries) did not say whether wisely or unwisely. It appeared that the French entertained certain opinions on this subject, which he would venture to read to the House. In one of the organs of public opinion, which had great weight in that country, and which undoubtedly expressed the sentiments of the majority of the French Chamber, it was said—

> "It does not appear to us doubtful that the commission has decided by anticipation to accord to the national marine an effectual protection. It is not in the state of decay into which it has fallen that the idea can be entertained of placing it on the footing of competition. In any case, what is taking place in England at the present moment would suffice to prove the necessity of insuring to our mercantile marine the most extensive privileges, if we would not see the remains of this branch of industry, formerly so flourishing, instantly disappear. The English mercantile marine, so active and rich, is on the eve of experiencing a dangerous crisis, of which the only cause is the repeal of the laws that assured it an almost exclusive protection; it finds itself, in effect, very seriously compromised in the British ports of India, and generally, in all the establishments possessed by England, that lie beyond the Cape of Good Hope. The marine of the United States has commenced against the English marine in its own ports a contest which the latter appears incapable of sustaining. We have not to wish that the mercantile marine of the United States should acquire the ascendancy over the marine of British commerce. Nor if this happened should we have to regret it. But the example of the peril in which this powerful British navigation finds itself placed, from the effects of an imprudent competition with the marine of the United States, ought to serve as a lesson."

It was idle to talk of the advantage this country would derive from access to the French ports, since she was resolved to make no concession whatever to us on that point; but he might say, in one word, that he was one of those who thought considerable advantage might be obtained in the way of employing our shipping in the ports of France, if reciprocity on just principles could be established. As to Spain, he believed that this was the most difficult State the noble Lord opposite had to contend with, as from the exclusive system on which it acted, nothing could possibly be made of it. Of Portugal, almost the same thing might be said, though some little disposition had lately been shown towards a better feeling. But he now came to that State, to our relations with which he wished most earnestly to direct the attention of the House—he meant the United States of America. He would take leave to remind the House of what had taken place when this great change in the commercial system was first proposed to the Legislature. The right hon. Gentleman the President of the Board of Trade, when he made his first announcement, gave the House to understand that he meant to make a sweeping change, and to repeal every restriction imposed by our Navigation Laws without any exception. He told the House of the result of a communication which had taken place between himself and the American Minister, in which Mr. Bancroft had expressed himself to the following effect: "We are ready to do anything you like; if you can do but little, we can do but little; if you can do much, we will do much; if you do all, we will do all." The right hon. Gentleman (Mr. Labouchere) took him at his word. He gave him all—not only the long voyage, and the short voyage, and the intercourse with our colonies, but even our coasting trade. But America disavowed the liberal assurances of Mr. Bancroft. She accepted that part of our concessions which suited her, and rejected the rest. She refused her coasting trade. Our Ministers might have known that it would be so. America was governed by men who gave nothing in vain. Mr. Clay declared on a memorable occasion, that "his country were a people who dealt in equivalents—that they gave no commercial boons, but transacted business as a system of fair exchange." Experience, however, did not altogether justify the statement, for America in her transactions with this country had sedulously eschewed the system of fair exchange. She would not give the privilege of her coasting trade to England. He did not blame the Americans for that; but this he did say, that when America refused her coasting trade, she showed that she knew the value of it. She knew that by our Act repealing the Navigation Laws she would obtain that which long before she had endeavoured to wrest from this country—namely, a participation in the trade theretofore carried on exclusively between this nation and its possessions abroad. We ought to have derived a lesson from the former struggles of America in that direction. If we had exercised a proper vigilance on that point, knowing the vast importance attached by the United States to that object, we might at least have secured some valuable compensation for the abandonment of it. But we had thrown it gratuitously away; and while we had opened to America the wide and most valuable field of the free navigation with all our foreign possessions, we had allowed her, under a technical definition of her coasting trade, to exclude us from the intercourse between the different points of her vast sea-board, even to the communication by sea between New York and California. He was far from blaming the Government of the United States; on the contrary, he thought it was the duty of every statesman to take care of his own country. On a former occasion he had adverted to the opinion of Mr. Huskisson. That Gentleman, speaking of America in the British House of Commons, said, in the matter of navigation there were circumstances which induced him to doubt the wisdom of encouraging the growth of a mercantile marine in America; and the experience of the years which had elapsed since that sentiment was uttered, had only served to confirm its wisdom. He held in his hand an authentic document, which showed that the increase in the tonnage of American shipping of late years was much more rapid than that of English shipping:—

"Tonnage of Shipping belonging to the United Kingdom and United States of America:—

	BRITISH.		AMERICAN.	
		Increase.		Increase.
1846	3,817,112		2,562,085	
1847	3,952,524	135,412	2,839,045	276,960
1848	4,052,160	99,636	3,154,041	314,996
1849	4,144,115	91,955	3,334,015	179,974
1850	4,232,962	88,847	3,535,454	201,439

From 1846 to 1850, British increase being 415,850 or 10 8-10 per cent.

From 1846 to 1850, American increase being 973,369 or 37 9-10 per cent.

In the year 1850, compared with 1849—
British increase 89,000, about 2 1-6 per cent.
American „ 201,000, about 6 per cent."

Heretofore, the warnings and remonstrances of those who perceived the ruinous consequences of the repeal of the Navigation Laws were met by a denial of the facts on which they founded their arguments; but no such denial at the present day could be attempted. They had the evidence of their own accounts that there was a great diminution in the employment of British ships, and an increase in that of foreign ships in all the great ports of the country. He defied them to disprove that. But it was said that it could not be true that our mercantile shipping was declining, because the men of the greatest eminence and reputation as shipowners were constantly building and employing new ships of the largest tonnage, and so gave the lie to any such supposition; and it was usual for those who indulged in such a course of argument to refer to the names of Mr. Dunbar, Mr. Lindsey, and Mr. Wigram. But what he had now to announce to the House was, that these gentlemen were witnesses, not for the case of the Government, but for his (Mr. Herries') case. He had presented a petition from the shipping interests of England, complaining of unexampled depression in these interests; and to that petition Mr. Dunbar and Mr. Lindsay were subscribing parties. True, the name of Mr. Wigram was not attached to that petition; but he was much mistaken if that gentleman had not conveyed to the Government, through another channel, the expression of his conviction that the shipping interests, so far from being in a flourishing condition, were in a state of the utmost depression. The answer which was not unfrequently given to the petition of the shipowners was, that they were habitually grumbling—that it was the propensity of the English nation to grumble—and that, in fact, it had become a sort of national enjoyment. If this were so, all he could say was, that there never was seated on the Treasury benches a Government which appeared to be animated with more patriotic anxiety than the present Ministry to afford to their countrymen of all classes and denominations the utmost possible facilities for indulging in this national propensity. There was not an interest in the State that was not furnished with cause for grumbling: the colonists were abundantly supplied with reason for it; the landed interest had more perhaps than its full share; and the shipping interest, shorn of 30 per cent of its legitimate returns, had grounds enough for bitter complaint. He would now pass to another of the special grievances of which these last complained. It was the condition imposed upon them of manning their ships in a certain proportion by British seamen. This they regarded as a great hardship, and a flagrant inconsistency. The late Act exposed them to a ruinous competition, stripped them of every advantage and preference they had heretofore enjoyed, and then they imposed upon them an onerous condition, which rendered it all but impossible for them to contend with the foreigner. He would ask the Government whether, in justice to their own principles and their own professions, they could any longer continue that compulsory restriction respecting the manning of the mercantile marine? Their much-vaunted doctrine—the very principle on which the free-trade system was said to be founded, was that of buying at the cheapest market, and selling in the dearest. Why, then, should not the British shipowner be allowed to draw his sailors from the cheapest market? That market was not the British. Thank God, the British sailor was not yet the cheapest of all mariners. He (Mr. Herries) had received deputations from shipowners on this subject, who had urged him to press upon the attention of the House the necessity of permitting them to employ the foreign sailor. If the Legislature were restrained from granting this freedom to the shipowner by considerations of higher national policy, surely those same considerations should weigh with it, to continue to the mercantile marine of this country some of the compensative advantages which it had hitherto enjoyed. He (Mr. Herries) was curious to know on what grounds the right hon. Gentleman (Mr. Labouchere) would defend that part of his policy with the knowledge that our shipping trade was in a state of unprecedented decay. He (Mr. Herries) was confident that the delusion under which the House was labouring with respect to the shipping interest, could not long continue. He felt the conviction that it must pass away, and that some better system than that which they were now pursuing would be eventually adopted. He would not take upon himself to recommend the simple repeal of the onerous condition to which he was alluding, because the direct effect of such a course, while it would relieve the shipowner, would be prejudicial to the British sailor; but he put it to the Government whether the restriction was not utterly inconsistent with that principle upon which they had heretofore attempted to justify their policy? He had now submitted to the House some observations calculated, he believed, to enforce the grounds of complaint urged in the petitions of the shipowners; and would earnestly entreat a careful consideration of the petitions themselves. They could surely not shut their eyes to the alarming progress of declension in the comparative strength of our mercantile marine. They had given to nations who were now their rivals, and might be hereafter their enemies, advantages which might at no distant period be fatally turned against themselves. If they did not want to see the utter destruction of the shipping interests of this country, they should at once take decisive measures either to induce or compel other nations to make some requital for the great benefits that had been conferred upon them by the repeal of the Navigation Laws. They had been outwitted by the Americans, or rather they had outwitted themselves: the delusion could not last much longer—the eyes of the English people would be opened sooner or later, and they would perceive the necessity of reverting to a wiser and safer national policy than that we were now pursuing. He had read to them the opinions of distinguished statesmen in France on this subject. He would conclude with the frank and pithy declaration of one of the most enlightened of the statesmen of America, who, adverting recently to that which had here been characterised as the crowning capital of the column of free trade, had pointedly observed that when England consummated that act of her commercial revolution, she dug the grave of her political power.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'an humble Address be presented to Her Majesty, praying that She will be graciously pleased to direct the proper steps to be taken for giving effect to those provisions of the Act 12 & 13 Vic. c. 29 (for the repeal of the Navigation Laws), whereby Her Majesty is empowered to adopt towards any foreign country, in which a preference is given, directly or indirectly, to national vessels over British vessels, such measures as may appear to Her Majesty justly to countervail the disadvantages to which British Trade and Navigation is so subjected,' instead thereof."

Mr. LABOUCHERE said, he could assure the House that he was not disposed to complain of the right hon. Gentleman for having brought forward this subject. He agreed with him that, considering the importance of the recent alterations which had been made in our Navigation Laws, and considering the number of petitions from the shipowners of this country which had been presented to the House complaining of their distressed condition, and ascribing that distress to those alterations, it was natural and proper that the House of Commons should not separate without taking into their full consideration the condition and prospects of the shipping interest of this country. Entertaining that opinion, he would also add, that since it had been thought right and proper to bring forward this subject, he was glad that it had fallen into the hands of the right hon. Gentleman, whose long experience and great ability enabled him, upon commercial subjects, to bring before them all the information and argument which was capable of enlightening or enforcing the side of the question which he advocated. He rejoiced, therefore, that the shipowners of this country had found in the right hon. Gentleman a person so well able, so fully competent, to state their case; and he fully agreed with him that no subject could possibly be of greater importance. The right hon. Gentleman had reminded the House, that on a former occasion he (Mr. Labouchere) stated, that it was not merely upon the general principle of free trade that he, for one, asked for the alteration in the Navigation Laws. He thought that he had then stated to the House that it was possible to advance continuously and concurrently the general interests of the consumer with those of the shipowner, and that if he thought commerce and trade would prosper, while the shipping interests would decay in consequence of such alterations as he proposed, much as he regarded the interests of the consumer, and much as he regarded those of trade in general, he would not advocate their adoption. If indeed he thought such a result would be the consequence, he would have hesitated to follow any general principle which, however it might have promoted the interest of the consumer, would lead to the decay of the mercantile marine of this country, of which they were so justly proud. He believed, with Adam Smith, that the shipping interest had special claims upon the favour of the Legislature; but he entirely agreed with those who supposed it impossible to disconnect the general prosperity of England from that of the mercantile shipping, because he was sure they must wax and wane together; and he rejoiced to believe that experience had shown that the recent alterations, while they had promoted the general commerce of the country, had not only not destroyed, but had positively improved and fostered that which he held to be a most important branch of the general commerce, namely, the interest of the seafaring and shipowning classes of the community. He would also assure the right hon. Gentleman that he should hear from him no disparaging expressions towards the shipowners of the country. He believed the right hon. Gentleman was in error when he imputed to his noble Friend (Earl Granville), in the very able speech which he lately delivered elsewhere—a speech upon which he (Mr. Labouchere) was well contented to rest the whole case—any desire to speak in a disparaging manner of a class which he knew that his noble Friend, as well as himself, greatly and justly respected. During the last few years, his (Mr. Labouchere's) official duties had brought him into connexion with almost every considerable shipowner in the United Kingdom; and he could truly say, that that intercourse, whether it had brought him into connexion with Gentlemen who agreed with him, or were opposed to him, had only augmented the respect which he had ever entertained for the character and intelligence of that great body of British traders. But he thought it was not at all inconsistent with that feeling to say, that on many occasions there had been a very remarkable contrast between the language and the conduct of that great body—that their language had often been that of despondency and ruin, while their conduct had indicated energy, activity, and vigour; that, although their voice might have been the effeminate voice of Jacob, their hands had been the strong hands of Esau. The right hon. Gentleman had also referred to the complaints of the great body of the shipowners of England, and had asked whether such men as Messrs. Wigram, Lindsay, and Dunbar, did not understand their trade better than the Government? and whether it was not enough for those Gentlemen to say they were suffering distress, for the Government to acquiesce in the truth of their statement? Now he (Mr. Labouchere) confessed he was astonished to hear an argument like this from the mouth of the right hon. Gentleman, who had so often boasted, with a just and natural pride, that he had been the colleague and coadjutor of Mr. Huskisson in those great measures of mercantile reform which in 1826 gave the first blow to that system of protection, under the fancied security of which the trade and commerce of this country had so long languished. He (Mr. Labouchere) was old enough to remember that time. He recollected the petitions with which the House was inundated, and the complaints which were made at public meetings by many of the shipowners of the country against the Government of that day. Were those complaints discontinued? No; up to the present moment—until, if he might use the expression, this new hare had been started—the shipowners kept on telling the House that they were utterly ruined, and that they traced their destruction to the measures of Mr. Huskisson twenty years ago. No experience of the alterations then made satisfied them. It was in vain that shipping increased, that 100,000 tons were added to the tonnage of your mercantile marine, that sailors were more plentiful, or that fresh capital was invested in shipbuilding by the shipowners. The shipowners, or at least a portion of them, asked the House to believe that it was owing to the measures of Mr. Huskisson, and the right hon. Gentleman (Mr. Herries), that that destruction had taken place. Hon. Members who had paid attention to the subject must be familiar with the evidence which had been given before the Committees of the House of Lords and the House of Commons two years ago. He would not quote from that evidence, because he knew it must be in the recollection of hon. Members; but he would take the liberty of troubling the House with some predictions which were made by the shipowners soon after those changes were made by Mr. Huskisson, and he would contrast those predictions with the results. The document which he should quote was of the most authentic kind. It was the yearly report for 1833 of the General Shipowners' Society—a society with which he believed the hon. Member for Scarborough (Mr. G. F. Young) was intimately connected. The presence of that hon. Member in the House was consequently very apposite at the present moment. He was aware that that hon. Member was completely at issue with the right hon. Gentleman who had brought forward this Motion with regard to Mr. Huskisson's measures, inasmuch as he did not believe, with the right hon. Gentleman, that they were wise and conservative measures. The hon. Member, he believed, concurred with the Shipowners' Society that they were bad measures, although he did not see that the hon. Member could well claim the character of a prophet for the society after reading the following extract:—

> "The long-continued and still existing depression of the shipping interest, the partial production and great aggravation of distress caused by continual changes in our navigation system, the utter impossibility of the successful maintenance of an unrestricted competition with foreign navigation, the gross injustice of the imposition of peculiar and exclusive burdens on maritime commerce for purposes purely national, while exposed to that competition, the declining quality and estimation of British tonnage, the embarrassment, decay, and ruin of the British shipowner, may now be viewed as incontrovertible positions."

Could anything be more melancholy than this prediction? Well, what had been the result? At the time that this report was published, the number of British registered vessels was 24,385, and the quantity of tonnage 2,634,000. In 1850 the number of ships was 34,281, and the tonnage 4,232,962. So that since the time when that great authority, the General Shipowners' Society, asserted that the trade was irretrievably ruined, that it was for ever doomed and destroyed, and that it was impossible to hold out against foreign competition, the mercantile tonnage had increased more than 1,500,000 tons. Again, in 1830 the number of registered seamen was 154,812; whereas in 1850 the number was 225,180. So much for the predictions of the General Shipowners' Society as to the utter ruin and decay which had fallen upon their trade. He would trouble the House with but one more instance of the predictions of the shipowners of that time, and it was one which he quoted the more willingly, because it referred to a debate in the House of Commons, in which the right hon. Gentleman who had brought forward the Motion to-night, and who at the period in question filled the situation of President of the Board of Trade, took a distinguished part—not precisely the same part as he had taken on this occasion, but in truth it was one of a totally opposite description. At that time a very worthy Member of the House, a respectable and consistent politician, but not in his (Mr. Labouchere's) opinion, a high authority on mercantile affairs—he meant Mr. Alderman Waithman, presented a petition from the shipowners of London, complaining, just as the right hon. Gentleman had done to-night, of the utter ruin and decay of the shipping trade. Mr. Alderman Waithman said—

> "The petitioners complained of the heavy grievance they suffered from being obliged to enter into competition with the shipping of other countries not so heavily taxed as this country."

He then quoted from the petition:—

> "The petitioners approach your honourable House, to represent that in the general distress which affects all classes of the empire, there exists none more intense and unmitigated than that of the shipowners, and pray that the Legislature will grant them that encouragement and protection from foreign competition, the withdrawal of

which, by the alteration in the navigation and colonial laws, and entering into the treaties of reciprocity, have reduced the capital of your petitioners to nearly one-half of its former value, and have reduced freights to so low a rate as not to leave any remuneration for the capital of your petitioners, even in its diminished value." [2 *Hansard*, xxiv. 453.]

And afterwards—

"Your petitioners are aware that the coasting and the direct colonial trades are still reserved; but from this reserve British shipping derives no support as regards remuneration, as the foreign tonnage admitted into the freight market levels all freights to the same standard of depression; and so eager were shipowners to escape from the evils of the reciprocity system in the European trades, that the Indian and all other seas have been crowded with British vessels in search of employment, and the same ruinous consequences have followed to the most distant parts of the globe." [*Ibid.* 456.]

Really this was very like the picture which the right hon. Gentleman opposite had drawn to-night. Not only the home trade, but the Indian and distant trade, was said to be ruined, and nothing but disaster and loss was before them in consequence of Mr. Huskisson's measures. What was the right hon. Gentleman's reply? The right hon. Gentleman read a statement showing the increase of tonnage which had taken place, and said that it was not easy to suppose that men of sense and business would go on investing so much capital in a trade that was decaying—which was in fact utterly ruined. In short, the right hon. Gentleman used very much the same sort of arguments as he (Mr. Labouchere) should feel it to be his duty to lay before the House in the course of his speech. The right hon. Gentleman had quoted to-night from American Protectionist authorities in support of his views. America, he (Mr. Labouchere) admitted, contained many enlightened statesmen, whose opinions were valuable on all the great subjects of legislation; but at the period in question, the right hon. Gentleman quoted Americans of a different school from those which his modern leanings led him to peruse. The right hon. Gentleman, in reply to Mr. Alderman Waithman, said—

"He would pursue this subject no further, but he would strongly recommend to hon. Members the perusal of Mr. Cambreleng's admirable report to the American Congress from the Committee on commerce and navigation. After describing, in the most able and perspicuous manner, the advantages which Great Britain had derived from the adoption of a liberal commercial policy, the report went on to say, 'These fundamental changes in her policy have regenerated the British empire, given a wide range to her commerce, and an active impulse to her power and resources, infinitely more beneficial to that nation than any questionable honour she might have acquired in an attempt to limit the boundaries of an empire reaching through half the longitude of the globe, or in any alliance to perpetuate the dominion of an unenlightened and absolute Government over the commerce of nations with the rich countries of the Euxine." [2 *Hansard*, xxiv. 472.]

The right hon. Gentleman, in continuation, said—

"He had, therefore, felt it necessary to call upon the House to weigh the proofs which he had adduced of the increasing employment and activity of our shipping with the assertions of its embarrassment and ruin. He was persuaded that the statement which he had made would indispose the House to listen in future to vague assertions hostile to our commercial policy." [*Ibid.*]

It would be his (Mr. Labouchere's) duty to lay before the House such statements as he trusted would convince the House that they had no reason to regret the course they had pursued; that while they had wisely extended the general commerce of the world, while they had fostered and encouraged the noble art of shipbuilding and the shipping trade generally in every quarter of the world, our own shipbuilders, shipowners, and sailors, had reaped their full share of this general benefit. He would endeavour to demonstrate, in the first place, the general extension of the commerce of the country since the change in the Navigation Laws. He would then show that British shipping had derived its full share of the benefit of this extension of their commerce. And lastly, he would show that British shipbuilders had not been injured by the alteration in the Navigation Laws now impugned by the right hon. Gentleman. If he was able to lay before the House evidence in confirmation of these three positions, he thought the House would agree with him that they had no reason to regret the policy which they had adopted. With respect to the increase of the general commerce of the country, it would not be necessary to detain the House at any length, because it was not pretended that the general commerce had suffered from the change. What was said was, that the foreigner had reaped the great benefit of this extension, and that the benefit of the consumer had been promoted at the expense of the shipping interest. He would therefore only call the attention of the House to the total employment of shipping, both British and foreign, in the foreign trade of the United Kingdom. In 1848 the total tonnage employed in the foreign trade of this country, both inwards and outwards, was 10,630,698; in 1841 it was 11,501,177; in 1850 it was 12,020,674; showing an increase in 1850 over 1848 of 1,389,976, and over 1849 of 519,497. But they were told that that increase had been purchased at the expense of their own shipping, and that they had been fostering the foreign shipowner at the expense of the British shipowner. That argument was made to rest almost entirely upon the fact of there having been a trifling diminution in the employment of British tonnage in the year 1850 as compared with the year 1849. The right hon. Gentleman (Mr. Herries) had said that this loss had gone to the gain of the United States; but what would the right hon. Gentleman say if it should turn out that there had been a corresponding decrease in the employment of the shipping of the United States? On the authority of the United States Government they found it stated that there had been a positive decrease in the national tonnage. He (Mr. Labouchere) should not only be able to show that that was the case, but he should show also that there had been a new source of trade thrown open, which had occupied a greater quantity of British shipping elsewhere than the amount of any decrease that had taken place in the employment of British shipping in our own colonies. He would proceed to demonstrate these two propositions. The increase which had taken place in British shipping outwards in the year 1850, as compared with the year 1849, was 198,582 tons, and the decrease of British shipping inwards during the same period was 311,831 tons — making the balance of loss 113,000 tons. That was the whole amount of loss between the years 1849 and 1850. But those who considered the altered circumstances brought about by the change of the law, would not be surprised at this result. Ships that formerly left the British ports, and which, in many instances, returned home in ballast, were now, since the repeal of the Navigation Laws, profitably employed in other countries. That would at once account for the deficiency which so much alarmed the right hon. Gentleman. It would, he was sure, be some consolation to the right hon. Gentleman to know that he had returns for the last six months, which showed that they were fast bringing up their leeway, even in this particular. By an account for the six months ending on the 5th of July, 1850, and the six months ending the 5th of July, 1851, the amount of British shipping entered inwards, exclusive of ships in ballast, for the first period was 1,600,000 tons, and for the year 1851 was 1,700,000 tons; and for the same period of six months the amount of British shipping entered outwards in 1850 was 1,977,000 tons, and in 1851 the amount was 2,090,000 tons, making an increase in the first six months of 1851 beyond the corresponding six months of 1850, of about 113,000 tons. He had a similar return of the comparative increase for the same two periods of foreign shipping. He would now proceed to show what had been the case with regard to the shipping of the United States. By the returns it would appear that there had been a similar decrease in the amount of tonnage in the shipping of the United States as had taken place in the British ports with regard to British shipping. By the trade and navigation accounts of the United States of America for the year to the 5th of June, 1850, it appeared there were—

ENTRIES INWARDS.

To	United States ships. Tons.		Foreign ships. Tons.
5th June, 1849...	2,753,724	......	1,675,709
5th June, 1850...	2,632,788	......	1,728,214
Decrease, 1850 .	120,956	Increase...	52,505

CLEARANCES OUTWARDS.

To	United States ships. Tons.		Foreign ships. Tons.
5th June, 1849...	2,658,321	......	1,710,515
5th June, 1850...	2,573,016	......	1,775,623
Decrease, 1850 .	85,305	Increase...	65,108

The right hon. Gentleman had expressed much alarm at the number of foreign ships which came into this country; but it was thus shown that British ships had returned the visits of those foreign vessels, and that this country had had the same advantage with regard to foreign ports, which other countries had had with regard to the British ports. This being the case, it might be asked, who had been the gainers by the alteration of the Navigation Laws? His answer was, not that this country had gained at the expense of any other country, not that England had gained at the expense of the United States, or the United States at the expense of England, but that all nations had been gainers by the removal of these absurd restrictions, which were profitable no one; that the general commerce of the world had been expanded and improved by the new system; and that those ships that used formerly to sail about in ballast were now profitably employed to the equal benefit of all countries. There was a document which had often been adverted to as a test of the state of one portion of our mercantile prosperity, he meant an account of the Sound dues, which was always admitted as affording a very sufficient test in regard to the Baltic trade. He held in his hand a statement of the number and tonnage of vessels which passed the Sound, distinguishing British and foreign, and showing the proportion the British tonnage bore to the total in each year, from 1820 to 1849, but he would only refer to the last three years. In 1848, 1849, and 1850, there had been more British ships employed in the Baltic trade than at any former period. He found that the proportion of British ships to foreign ships was larger in those years, not only with regard to the great trade of the world, but with regard to the Baltic trade, which was a peculiar subject of anxiety with some, though he believed there was no reason to apprehend that any injury had been done to the British merchant by the recent alterations in regard to that branch of trade. He found, for instance, that in 1832 the proportion of British shipping to foreign shipping was 324 out of 1,000; the total tonnage which passed the Sound being, British 592,833 tons, and foreign 1,237,878. The proportion of British shipping to total shipping in 1848 was 438 out of 1,000; in 1849 it was 398 out of 1,000; and in 1850 it was 391 out of 1,000; being a small diminution from the proportion in the year 1849. British tonnage in the same period was, in 1848, 1,157,000 tons; in 1849 it was 1,183,000 tons; in 1850, 1,939,000 tons. He held in his hand an account of the East India and China Association, and the tonnage cleared within the limits of the East India Charter was, in 1848, inwards, 387,000 tons; outwards, 453,000. In 1849, inwards, 406,000 tons; outwards, 522,000. In 1850, inwards, 442,000; outwards, 562,000 tons, being an increase of nearly 25 per cent. He thought it was plain therefore, that, far from British ships having being driven out of the East India trade, they were at present pursuing a flourishing business in that department of commerce. He now came to a very important part of this subject, which the right hon. Gentleman had passed over altogether. The right hon. Gentleman seemed to attach scarcely any importance to what he (Mr. Labouchere) conceived to be entitled to the greatest consideration, namely, the new channels of trade which had been opened to British enterprise by the change in the Navigation Laws. He was not in a condition to produce complete statistics to the House on the subject. He could only show some few instances of the important benefits which had been conferred upon British shipping by the new trades that had been thrown open to it. He had some accounts from the United States upon this subject, which he was the more anxious to quote because he thought the jealousy of the right hon. Gentleman was directed almost entirely against the United States, who were undoubtedly our most formidable rivals. It appeared from the return in his hands that in the first six months of the year 1850, 213 British ships, of 68,000 tons burden, entered foreign ports from a third country—thus taking new voyages, which they could not have done before the doing away with those absurd and antiquated restrictions. The British shipping accounts in the ports of the United States alone showed an increase more than corresponding with the decrease which had been made so much of by the right hon. Gentleman. The British Consul at Philadelphia, in a despatch of the 12th of May, 1851, stated that out of 111 British ships entering the port in 1850, eighteen came from a third country, which they could not have done before the repeal of the Navigation Laws. In the first four months of 1851, out of fifty British vessels entering Philadelphia, fifteen brought cargoes from foreign ports, namely, Cuba, Porto Rico, Pernambuco, Cadiz, and Palermo. He added—

> "Vessels from British America, which, after disposing of their cargoes of fish in the West Indies, generally came to this country in ballast, now bring sugar and molasses, and then return homewards with cargoes of breadstuffs."

He thought the House would at once see how important the new trade was which had been given to the British shipping, by doing away with the absurd restrictions upon our trading with the United States. He could multiply cases, but he considered it unnecessary for him to do so. He could read accounts from Hong-Kong, Australia, and from other parts of the world; but he should refrain from troubling the House with them: one word, however, he must say about California. But for the change in the Navigation Laws our commerce would have been put in a most invidious position in regard to that country; not only with respect to our direct trade with California, but as it affected the great stocks of goods possessed by British subjects in that newly-formed State. The British ships which were in the port of San Francisco, and the vast quantity of goods belonging to our merchants there, would have been jeopardised if this country had not relaxed her Navigation Laws. Again, with regard to the effects produced on the interests of Australia, he saw it stated in a Californian newspaper that in the short space of one month no less than eighteen ships had arrived from Australia with cargoes for San Francisco. This was in itself a very important opening to British commerce, and he hoped the House would consider this statement before it listened to the arguments of the right hon. Gentleman, and come to the conclusion that the recent measures of the Government had been at all injurious to British commerce and British shipping. The right hon. Gentleman had laid great stress upon the fall that had taken place in freights; but if the right hon. Gentleman would look back he would see that freights had been gradually falling for a number of years past; and that even if a loss should accrue to the shipowners, yet if upon the whole it was for the general benefit, he thought the measure which produced such a result ought not to be impugned. But he would remind the House further, that, in consequence of the change in the Navigation Laws, the shipowners could afford a reduction in freights, for they were no longer obliged to send their ships round half the world in ballast, when of course freights were charged at a rate to pay for this loss of time; but now that vessels were allowed to carry cargoes from one port or one country to another, this loss was no longer incurred, and the freights could afford to be lowered. The cost of shipbuilding had also considerably decreased. He held in his hand a document furnished to him by a shipowner of high respectability, stating the cost of building a ship in Sunderland in 1847, and the cost of building one in the year 1851. By that statement it appeared that an A 1 ship built for twelve years cost at Sunderland, in 1847, 18*l.* a ton, and in 1851, 14*l.* 10*s.* a ton; and that there was a corresponding reduction in the cost of building ships of an inferior description. Having thus attempted to prove—first, that the general interests of commerce had not suffered from the alteration of the law; and, secondly, that the British shipowners had not suffered—he would now proceed to the third and very important part of the subject—namely, the case of the British shipbuilder. He thought the present state of the shipbuilding interest not only showed that there was no danger of the noble art of shipbuilding being banished from our shores, but farther, it proved that the shipping interest could not be in a state of ruin and decay. They had been told again and again that the British shipowner would purchase foreign-built ships as being cheaper than British-built vessels. All he could say upon this subject was, that since the British shipowner had been free to buy and to build his ships in any part of the world he chose, no more than 10,000 tons of foreign ships were registered in 1850; and that during the first three months of 1851 no more than 511 tons had been registered. So that the number of foreign vessels built or owned by Englishmen was positively decreasing. So much with regard to the United Kingdom. What was the case with regard to our colonies? In 1850 about 8,000 tons of foreign-built ships were registered; of these one-half were at Malta. And why did the Maltese purchase foreign ships? Simply because Malta was not a favourable place for shipbuilding, and because they could obtain them more easily from their Greek and Italian neighbours.

AN HON. MEMBER here moved that the House be counted, and strangers were ordered to withdraw, but it was found that forty Members were present.

MR. LABOUCHERE resumed. He had taken some pains to inquire into the branch of the subject to which he was referring when the interruption took place, and he ventured to assert, without fear of contradiction, that, generally speaking, the building and repairing business was in a state of great and unusual activity. By a return which he held in his hand, he found that the number of ships built and registered in the United Kingdom in 1848 was 847, measuring 122,000 tons; in 1849 the number built was 730, the tonnage 117,000; in 1850 the number was 689, and the tonnage 133,000. The return from which he was reading furnished an explanation of the circumstance for which the right hon. Gentleman had professed himself unable to account, namely, the decreased number of ships registered at Lloyd's. The return showed, that although the number of ships built last year was less than in previous years, the average amount of tonnage was larger. The average tonnage of each ship registered in 1848 was 145; in 1849 it was 161; and in 1850 it was 194. Take the case of

Sunderland—the greatest shipbuilding port in the world. No one connected with or knowing anything of Sunderland, would deny that during the last year the shipbuilding business there had been in a state of unprecedented activity. It was a fact that in 1850 there had been more ships built at Sunderland, and better built, than at any period since it was a shipbuilding port. In proof of the correctness of that statement, he would read an article published in a respectable local paper, which, of course, would not venture to hazard unfounded assertions that would meet with contradiction on the instant:—

> "Our local readers will be glad to see, from the accounts of the shipbuilding of the port which we publish below, that year 1850 has not brought that ruin to the trade which we were led to anticipate from the prophecies of Mr. Richmond and those who took the same lugubrious view of the consequences of repealing the Navigation Laws. On the contrary, the year 1850 exhibits a large increase in the number of ships and amount of tonnage over any of the last ten years. We find an increase not very far short of 10,000 tons over 1849, and one of upwards of 15,000 over 1848. And, along with an increase in the number of vessels built on the Wear, we may point with pride to their daily improving character, both as respects model and tonnage. Sunderland ships are appreciated out of port, and almost as many were disposed of during 1850 out of Sunderland as in it. We have heard of sailing feats of Sunderland craft that are equal to anything that has been achieved by the cracks of London or the Isle of Wight yards. And we have no fear that with continued attention on the part of our builders to the qualities of their stuff and the perfection of their models, Sunderland will hold her own with any shipbuilding port of the world. Of course alarmists will point to the increase in the shipbuilding of New York in 1850, and will at once claim the difference between the 38,095 tons launched in 1849, and the 51,526 launched in 1850, as due to the encouragement to American building and the discouragement of British, caused by the repeal of the navigation laws. Unfortunately for this theory, New York is, of all our rivals, the one where the cost of shipbuilding most nearly equals that in our own ports. Indeed, with such a reduction in timber as we trust to see at no distant day, we could build cheaper here than at New York. But the increase, both on this and the other side of the Atlantic, is really attributable to a very much more encouraging reason; and that is the great activity of commerce, consequent, in a principal degree, on the repeal of restrictive laws and the opening of new markets."

Then followed a statement of the ships built at Sunderland during the last four years:—

	Launched.	On the Stocks.	Aggregate Tonnage.
January 1, 1847	39,018	29,870	68,888
— 1848	36,649	15,710	52,359
— 1849	38,085	23,896	61,975
— 1850	51,526	28,516	80,042
Now on the stocks		32,009	

From this it will be seen that shipbuilding has thriven during the year just closed, in an unprecedented degree. In consequence of complaints which had been made respecting the shipbuilding trade of the port of London, the Surveyor General of the Customs had been directed to obtain as accurate information as he could on the subject. On application being made to the shipbuilders by that officer, they all, with one exception, readily supplied him with all the information in their power. The following was a summary of the information given by the shipbuilders:—

> "Return of sea-going vessels built in the port of London in 1848, 1849, 1850, as given by the proprietors of yards (with the exception of one who refused). This statement includes those built on foreign account, which are not registered. This last branch of business is fast increasing, especially in iron steamers:—

		Ships.	Tonnage.
1848	Iron	3	1,354
—	Wood	7	3,088
	Total	10	4,442
1849	Iron	7	1,654
—	Wood	10	5,703
	Total	17	7,357
1850	Iron	13	4,562
—	Wood	17	9,935
	Total	30	14,497

We used, it was true, to talk of the wooden walls of Old England, but we should soon find it necessary to boast of her iron walls, for that metal was fast superseding wood both in the mercantile and naval marine. It might be said, too, that many of the vessels referred to in the document which he had read were built not for our merchants, but for foreigners and great companies who were under contract to carry the mails. That objection might have some weight if applied to the case of shipowners, but it had none when directed to the case of shipbuilders. Foreigners and great companies would go where they could get their ships built at the cheapest rate. If they could get them made more cheaply at New York or Bremen than in the Clyde or Thames, they would go to the former places. It ought to be deemed a gratifying fact that our shipbuilders were employed not only to supply our own commerce with vessels, but to build for foreigners who came to this country as the cheapest market. It was, therefore, evident that we needed not to dread competition in the article of shipbuilding. Not only had a greater amount of tonnage been turned out last year, but the ships built were of better quality than formerly. From all sides he received accounts of increased science being applied to the building of ships—of efforts made to obtain the best workmen, and of general improvement in the business. A letter, bearing on this point, written by a most respectable shipowner of Liverpool, had been put into his hands by a Member of the House, and he would take the liberty of reading a passage from it:—

> "Speaking generally, we fancy that there can be no doubt that the repeal has given an immense impetus to the trade. A conviction has become general that if the English builder is to maintain his position, he must hold it by means of scientific application. The 'Rule of Thumb' was previously almost the only rule acknowledged in a shipyard. A vast deal more attention is now given to the sources of mathematical and mechanical knowledge, and that is taking place which in this country seems always the sign of the elevation of a trade or profession, namely, the application to it of the educated and higher classes. But a year or two ago, a shipbuilder was looked upon as a mere mechanic. All that seems suddenly changed, and it is a curious thing to see how many of the educated classes are just now seeking out the means of making their children into shipbuilders."

He now came to the only part of the right hon. Gentleman's speech which really applied to the Motion. For he must remark that a great portion of the right hon. Gentleman's speech had little or no reference to the Motion which he had brought forward. Supposing the shipping interest were actually suffering as the right hon. Gentleman represented them to be, the obvious course to take would be the reversal of the policy recently adopted. Before, however, dealing with the question of reciprocity, he must be permitted to observe that it was unfair to exclude altogether from the consideration of this question the evils which had been averted as well as the benefits obtained by the course of commercial policy recently adopted. The right hon. Gentleman must be aware that it would have been impossible for us to remain in the position we occupied before the change in the Navigation Laws. It was as necessary for our own interest that the Navigation Laws should be repealed in 1849 as it was to make the great change in our commercial code effected by Mr. Huskisson upwards of twenty years previously. The right hon. Gentleman seemed to treat the threats held out by Prussia and other foreign countries to retaliate a restrictive system on us if we had persisted in maintaining ours, as an immaterial affair; but what would have been the state of our commerce if Sweden, Prussia, the German States, and Russia had adopted retaliatory measures towards us? Does the right hon. Gentleman believe that the loss of the indirect trade with the northern ports, would have been but of trifling consequence to us? What was the state of the law before the change took place? We prevented Prussian and Russian ships from bringing sugar from Rio to this country, while those great Powers allowed English vessels to carry sugar from Rio to St. Petersburgh and Dantsic. Prussia told us she would adopt retaliatory measures, and Russia intimated that she would take the same course as soon as our treaty with her expired; and it had only two years to run. It was a mere shirking of the question not to take these matters into consideration. It could not be concealed that the time had arrived when we were called upon by matters of self-interest even to adopt a more liberal course of policy, and not to wait a few years, and then be driven reluctantly to resort to it by the retaliatory proceedings of foreign countries. Let the House now see what had followed on the relaxation of the Navigation Laws. An attempt had been made to make the most of every refusal of reciprocity; but no man could look at the whole question without seeing that enormous progress had been made. With all the great maritime nations of the world they were now on a footing of substantial equality. The Baltic Powers had got rid of their restrictions. [Mr. HERRIES: They have nothing to give us in return.] The right hon. Gentleman said, that those Powers had nothing to give us; but they had a good deal to take away, and they would have done so if we had not averted the danger by the wise and dignified course we adopted. As regarded Holland, we had obtained important advantages, the Dutch Government having placed our vessels on the same footing as their own generally. It was true, as the right hon. Gentleman had observed, there existed a monopoly in Holland called the "Maatschappij," but there was reason to believe that the Dutch Government would be glad to get rid of it. A short time since a letter appeared in the *Times*, written by the gentleman whom the right hon. Gentleman had named, Mr. Lindsay, in which "Maatschappij" was treated of. It was true that, greatly to his surprise, he saw another letter from Mr. Lindsay in the *Times*, in which he complained bitterly of the "Maatschappij," because, in his previous letter, he spoke of it as injurious only to Holland. Mr. Lindsay, in his first letter, clearly pointed out the evil effects of monopoly. He said—

> "To encourage the construction of vessels suited to the trade between that country and their valuable colony, Java, the Dutch East India Company imposed high differential duties, and gave a bonus in the shape of exorbitant freights in favour of vessels so constructed. The country, of course, paid for this, and in the progress of time the shipowners themselves, who derived the supposed benefits, were the principal contributors, as almost every man in Holland had become a shipowner. At last so many vessels were created, that the company were compelled to reduce their original standard rate of freight full one-half, and even at the reduced rate, which is now, I believe, about 5*l.* 10*s.* per ton, the shipowners are obliged to keep their vessels in port often 12 and 18 months before it is their 'turn' to be employed. The consequences are apparent. The consumer complains at having to pay 5*l.* 10*s.* per ton for his sugar and coffee, when it might be brought to him for 3*l.* 10*s.* The shipowner complains at having to wait 18 months, and sail his ship 12 months, in all two years and a half, before he can earn 5*l.* 10*s.*, when, with an open trade, he might earn twice 3*l.* 10*s.* in less time. I need not remark that such a state of things cannot long exist, even in Holland, wedded, as the excellent people of that country are, to old prejudices and customs."

Since the repeal of the Navigation Laws, we had made an advantageous treaty with Sardinia—a treaty equally beneficial to both contracting parties, as a commercial treaty ought to be. It was a treaty worthy of the distinguished statesman who was at present at the head of affairs in Sardinia, and whose enlightened policy both with respect to commerce and with respect to general affairs, was calculated to be of great benefit to his country. By it we obtained not only reciprocity as regarded our shipping, but admission for our manufactures at low rates of duty into Sardinia. He was told that the United States had completely taken us in, because, forsooth, they had not thrown open to British ships the trade between the eastern ports of the Union and the ports of California. Now he would speak frankly to the House. He thought it would have been worthy of a great country like the United States not to stand upon technicalities, and to distinguish between the coasting trade and voyages of such great length as that to California; but at the same time he must admit there were great difficulties in the way, and it was not like the other conventions, which could be made by an act of the Executive Government, but it would have required an application to Congress for an act which would have been at variance with the general policy of the Union. He thought further that the importance of this trade had been much exaggerated; and though it was true that at this time freights were extremely high, yet, in the long run, these freights would find their level, so that the freights between the eastern ports and California would not be higher than the general rates. When we were told to imitate the example of the United States, he supposed it was meant we should retaliate and prevent the United States trading with our colonies. He held that would be really punishing our colonies for the conduct of the United States. One of the main objects of abolishing the restrictions of the Navigation Laws was to benefit our colonies, and trade had been greatly improved thereby. Whilst the result had been generally successful, he was compelled to admit that there had been three exceptions—France, Spain, and Belgium. He was precluded from entering on the subject as fully as he should wish, there being still negotiations going on. Those negotiations had been more protracted than he had expected, and he could only now state to the House he confidently hoped from them important results would follow, beneficial not only to the trade of this country, but equally so to the trade of those countries with which they were in communication, and whose trade he heartily desired, for the common benefit of all, to see flourish and increase. But when French authorities were quoted against him—when the right hon. Gentleman read extracts from French documents, to show the opinion of the French public on the course of legislation in this country—desiring to speak of that nation with every respect, yet he could not help observing that, in the matter of commercial legislation, in the matter of fostering and encouraging their mercantile marine, it was not to France we should go for any very valuable opinions. If he wished to point to the effects of restriction and monopoly, as applied to the shipping trade of any country, he would point to France, who, with an industrious and ingenious people, with a large extent of coast, with valuable harbours, and with all the advantages necessary to become a great mercantile and shipping nation, had—not to say diminished, but, in comparison to what it might have done, had—absolutely destroyed and annihilated its mercantile marine, for at this moment she did not possess a single merchant vessel of above 600 tons burden. She had excluded herself from the great commerce of the world. It was impossible, with this system of restriction and monopoly, she could obtain her share in that commerce. The whole system was absolutely inconsistent with the progress and development, in times like these, of any mercantile marine, and he would quote a French authority in support of that opinion. A report published by the Bordeaux Chamber of Commerce in 1847, contained the following passage:—

> "It is necessary that we should not deceive ourselves. The net of prohibitive, protective, and differential duties in different scales, which form the inexplicable labyrinth of our Customs' legislation, are the cause of decay and the source of 'death' to the navy."

The intention of the Motion before the House was that this country should imitate every absurd restriction which a foreign Power might think proper to impose on our shipping; for instance, if Spain should exclude our vessels from Cuba, we must exclude Spanish vessels from Trinidad, and thus stop a trade beneficial to ourselves. That was the policy the right hon. Gentleman wished us to adopt. [Mr. Herries: No!] The terms of the Motion would show the object. [The right hon. Gentleman here read the Motion.]

Mr. HERRIES: Those are the words of the Act.

Mr. LABOUCHERE: That might be; but if that Motion were carried by an Address to the Crown, the provisions of the Act must be put in force in all cases. He might be asked, and he had been asked, what was the intention of giving this power to the Crown? Was it meant to be a dead letter? He still retained the opinion that this power ought to be preserved to the British Crown, to be exercised on any suitable occasion. He drew a wide distinction between the conduct of a foreign State that merely treated this country as it treated all other foreign countries, and one which singled out this country as the object of exclusion. Supposing the case—which he was happy to say there was no ground for supposing—that the United States had singled out England as the object of restriction and exclusion, then it would be proper to consider whether we ought not to resort to this retaliatory power. But no foreign country had shown any such disposition. He believed there was no foreign country that had not treated us the same as the most favoured foreign nation, and he had shown that, as we had relaxed our general laws with regard to our mercantile marine, they had relaxed their general laws. He had already stated that he believed great improvements were taking place in the building of our ships, and in other points regarding our mercantile marine; and there was another subject to which he had always attached the greatest importance, and as to which there appeared every prospect of very great and signal improvements. He had frequently stated to the House his conviction that there were among the commanders and officers of British merchant vessels, many persons who were improperly intrusted with the charge of such vessels, and that great evils ensued to the merchant service from that circumstance. The House had last year adopted a measure which established a system of examination with a view of insuring a certain degree of professional knowledge on the part of those to whose charge so large an amount of property and so many human lives were intrusted. That system had now been in operation some time, and was already producing the most beneficial results. Since the 1st of January, 1851, 1,304 masters and mates had passed their examination; 269 failed on their first examination, but most of them passed creditably afterwards, having acquired the requisite knowledge subsequently to their first unsuccessful examination. Mr. Towson, the examiner at Liverpool, who was the author of several valuable works, stated the other day, that in that port several classes for nautical instruction had been established, and that very few failures had taken place, the masters and mates having perfected themselves in navigation and practical astronomy before they presented themselves for examination. He (Mr. Labouchere) thought, then, it was evident that this measure was improving the qualifications of those who were intrusted with the command of merchant vessels, and who exerted themselves to obtain that professional information so important to commanders of ships, and that it was leading to the establishment of schools of naval instruction in different ports of the kingdom. He trusted he had succeeded in proving, that while commerce generally had been fostered and encouraged by the alterations that had been made in the Navigation Laws, there was not the least reason to suppose that British navigation had not fully shared in the benefits of that prosperity. He trusted he had also demonstrated, beyond the possibility of contradiction, that so far from British shipbuilding having decayed, there never was a period at which both its present condition and future prospects were better and more encouraging. He did not believe there was the least reason for apprehending that our shipowners and sailors would be worsted upon their own element. The right hon. Gentleman had complained that our merchant ships were not allowed to take foreign sailors as the whole of their crew. The law at present allowed one-fourth of the crew of every British ship to be foreigners, the remaining three-fourths being of British origin. The right hon. Gentleman stated that he was not prepared to say that he thought a ship ought to enjoy the privileges of a British vessel if she had not a British sailor on board; and on that point he agreed with the right hon. Gentleman. He (Mr. Labouchere) did not think the House would be disposed to allow a ship to enjoy the character of a British vessel, to carry the British flag at her masthead, and to claim the protection of the British nation for her cargo, while she was commanded by a foreigner, manned by foreigners, and, it might be, never came near the British coast at ull. But he must deny that the regulation constituted a practical grievance to the shipowner. If it was a grievance, our rivals of the United States of America had a similar law—one, indeed, rather more stringent, for their vessels were required to have two-thirds of American seamen, to one-third of foreigners. He might observe, however, that the American shipowners, who could take the seamen of any nation in the world, almost invariably preferred British sailors. He believed the British sailor was cheaper as well as better than the sailor of any other nation; and even if this distinction were thrown down, he had no fear that our shipowners would man their vessels with foreigners; but cases of fraud might occur, and ships which were really foreign might be enabled to avail themselves of the privileges of British ships. If the House believed that the policy the Government had pursued had been successful for the past, he trusted they would not come to any resolution which would interfere with its maintenance for the future. For his own part, he did not entertain the least apprehension as to the future prospects of the mercantile navy of this country, under that system of competition which was now thrown open to all the nations of the world. He could not understand why, if British energy was able, in all the articles of manufacture and industry, to compete with foreign nations, it should not also, with a fair field and no favour, be able to compete in the business of shipowning and shipbuilding with every nation of the world. He did not believe that the slightest ground had been laid before the House to lead them to an opposite conclusion. With regard to the Motion itself, he held that it would pledge the House to a most impolitic course—it would express an opinion that in our conduct with regard to foreign Powers we were not to be guided by a well-considered and well-understood sense of our own interest, but that in a mere spirit of retaliation we should imitate every absurd restriction which it might please any foreign Power to put upon our vessels in common with foreign vessels from other parts of the world. He held that such a policy would be utterly unworthy of the Parliament and people of this country, and on these grounds he confidently asked the House to reject the Motion.

Mr. G. F. YOUNG said, he hoped he would not be considered as violating the rules of that House, to which he was most anxious to conform upon all occasions, if he should venture to commence his observations by expressing his acknowledgments of the manner in which he had been received on his reappearance in a place which was associated with many of the most touching recollections of his life. He had next to state, that as he had for some time been called upon to take a position more prominent than was consistent with his own wishes in the discussion of commercial matters, he trusted the House would believe, that in claiming at that moment their notice, he was not actuated by any desire to rush precipitately into their debates. The fact that that particular discussion related to a question with which he had been identified throughout his whole life, would, he hoped, be a sufficient apology for his then intruding on the attention of the House. He should proceed at once to address himself to the question then under their consideration, and, in doing so, he should take the liberty of following as closely as he could the remarks which had been made by the right hon. Gentleman who had just addressed the House. The right hon. Gentleman had commenced his speech by assuming a position which ought, in his (Mr. Young's) opinion, to have been first of all established by some statement of facts. The right hon. Gentleman had said, that if a certain degree of difficulty or depression prevailed at present among the shipping interest, it was quite certain that that evil could only be temporary and evanescent, because the shipping interest must participate in the general prosperity of the country. Now they had recently had strong reason for believing that that was a very unsatisfactory mode of treating a question of that description. At the commencement of the present Session that was precisely the species of anodyne which it had been attempted to administer to the depressed agricultural interest, when they had been told that although the existence of distress among them could not be denied, they must soon be relieved from it by a participation in the general prosperity of the country. He would not at that moment enter into that question, because he would thereby be departing from the subject under the immediate consideration of the House. But he would venture respectfully to state that he utterly and entirely denied that proposition on which the right hon. Gentleman had based his subsequent reasoning, namely, that any general prosperity did exist. He believed that it did not exist, either in the agricultural, the colonial, or the shipping interest, but that the very reverse existed; and he had great doubts whether that vaunted prosperity really did exist even with respect to the manufacturing interest. The right hon. Gentleman had made a facetious allusion to that spirit of enterprise and energy displayed by the shipping interest, and he had said that, in the gloomy tone in which they approached the Legislature, "their voice was the voice of Jacob," while, in the energy of their proceedings, they manifested the "hands of Esau." But the right hon. Gentleman had forgotten to remind the House that Esau had lost his inheritance; and he (Mr. Young) should say, that he doubted whether any exercise of enterprise on the part of the shipping interest of this country could, under the withering influence of our present maritime system, raise it from the state of depression in which it was placed. The right hon. Gentleman had gone on to state that the results which had attended the reciprocity treaties of Mr. Huskisson would attend the policy which the present Government had adopted, and which was founded on the same principle. But he (Mr. Young) trusted that the right hon. Gentleman might be mistaken on that point, as well for the sake of the right hon. Gentleman himself, as for the sake of the great shipping interest of this country. The right hon. Gentleman had told them, that in consequence of the adoption of the system of reciprocity treaties introduced by Mr. Huskisson, the British tonnage had very greatly increased. But he (Mr. Young) thought that the right hon. Gentleman laboured under a misconception in that case. The British tonnage had undoubtedly increased under the system of reciprocity treaties; but he believed he should be able to show that, not only had no increase taken place in our trade with those countries with which we had entered into reciprocity treaties, but that our trade with them had declined, while our trade with those countries with which we had had no such treaties of reciprocity, had become greatly augmented. The treaty of peace with the United States in the year 1815, contained for the first time the principle of a reciprocity treaty, which had afterwards been developed and extended by Mr. Huskisson in the year 1826. The following figures would illustrate his position upon that point. The reciprocity treaty with the United States was really the treaty of peace which was concluded in 1815:—

> "In 1816, the British entries from that country were 45,140 tons; and in 1824, when reciprocity had been in operation nine years, 44,994 tons; British tonnage having in that period declined 146 tons.
>
> "In 1816, the entries of American tonnage were 91,914 tons; and in 1824 they were 153,475 tons; American tonnage having in that period increased 61,561 tons."

During this period no reciprocity existed with the Baltic Powers.

> "In 1815 the British entries from those countries were 78,533 tons; and in 1824 they were 129,895 tons; British tonnage having in that period increased 51,362 tons.
>
> "In 1815 the entries of Baltic tonnage were 319,181 tons; and in 1824 they were 350,624 tons; Baltic tonnage having in that period increased 31,443 tons; showing an excess of British over Baltic of 19,919 tons.
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> "In 1824 reciprocity was extended to the Baltic States, and in that year British entries were 129,895 tons; and in 1850, reciprocity having been 26 years in operation, they were 223,474 tons; British entries having in that period increased 93,579 tons.
>
> "In 1824, the entries of Baltic tonnage were 350,624 tons; and in 1850, under reciprocity, they were 595,821 tons; Baltic tonnage having in that period increased 245,197 tons; showing an excess of Baltic over British of 151,618 tons.
>
> "And in 1850, British entries from America were 293,523 tons; and in 1850 American entries were 565,881 tons; showing excess of American over British of 272,358 tons.
>
> "In 1815 the tonnage belonging to this country was 2,681,276 tons; in 1849 it was 4,144,115

tons; showing an increase of 1,462,839 tons, or 54 5-10 per cent.

"In 1815, the tonnage belonging to the United States was 1,368,127 tons; in 1849, it was 3,535,454 tons; showing an increase of 2,167,327 tons, or 158 9-10 per cent."

It appeared to him, therefore, that the right hon. Gentleman was not justified in his statement that the adoption of the principle of reciprocity would necessarily advance the interests of British navigation. The right hon. Gentleman had gone on to say that he should take up three positions, and that he should prove them consecutively, the first of those positions being the general extension of British navigation under the repeal of the Navigation Laws. In discussing that question, he (Mr. Young) must remind the right hon. Gentleman that the opponents of that repeal had not said that under it British shipping would absolutely diminish, but had merely contended that it would not increase as much as it had done under the system of protection; and if that position could be established, it would surely show that the change of system had failed. He had never thought that British shipping would decrease under the repeal of the Navigation Laws. For, thank God, it was not in the power of an impolitic Ministry, or an impolitic Parliament, to destroy the energies of the shipping interest of this great country; and he had not been one of those who had thought that British enterprise would have absolutely cowered under the competition to which it had been exposed. He had believed that it would have gallantly contended against that competition—and it was so contending at the present moment. But it was contending against fearful odds, and he believed that the British shipping interest would not be able to maintain its relative position in the navigation of the world under the system advocated by the right hon. Gentleman. He felt very reluctant to drag the House into any wearisome statistical details, but it was absolutely necessary that they should employ statistics in discussing that question. They had been told that there would be a great aggregate increase of British shipping under the operation of our new maritime legislation. He should submit to the House a statement which would show how far that promise had been realised. By the finance account just published, it appeared that—

"The aggregate tonnage, British and foreign, entered inwards, in the United Kingdom from foreign parts, was in the year 1848, 6,525,945 tons; and in 1849, 6,919,900 tons; showing an increase during the year preceding the repeal of the navigation Laws of 393,955 tons. The tonnage amounting, as above, in 1849, to 6,919,900 tons; had advanced in 1850 to 7,100,476 tons; showing an increase of British and foreign during the first year succeeding the repeal of the Navigation Laws of 180,576 tons, or less than one-half the preceding increase."

But it was next declared that the predictions of the shipowners, that the repeal of the Navigation Laws would be followed by a decrease of British, and an increase of foreign tonnage, in the British carrying trade, were unfounded, and would prove fallacious. It would appear from the same official authority that—

"The tonnage of British vessels entered inwards from foreign parts was in 1848, 4,565,533 tons; and in 1849, 4,884,210 tons; showing an increase during the year preceding the repeal of the Navigation Laws of 318,677 tons; the tonnage amounting, as above, in 1849, to 4,884,210 tons; declined, in 1850, to 4,700,199 tons; showing a decrease in the British shipping during the first year succeeding the repeal of the Navigation Laws, of 184,011 tons."

And it further appeared that—

"The tonnage of foreign vessels entered inwards from foreign ports was, in 1848, 1,960,412 tons; and in 1849, 2,035,690 tons; showing an increase during the year preceding the repeal of the Navigation Laws, of 75,278 tons; the tonnage amounting, as above, in 1849, to 2,035,690 tons; advanced, in 1850, to 2,400,277 tons; showing an increase in foreign shipping, during the first year succeeding the repeal of the Navigation Laws, of 364,587 tons."

So that while during the last year of protection the aggregate tonnage engaged in maritime commerce advanced 6 per cent, it advanced during the first year of so-called free trade little more than 2½ per cent. That British tonnage which under the protective system advanced during the last year of its continuance nearly 7 per cent, absolutely declined in the first year of its withdrawal 3 7-10 per cent; while foreign tonnage, which had advanced under the former system only 3 8-10 per cent, instantly on its abrogation increased 17 9-10 per cent. Nor did the experience of the period that had elapsed since the conclusion of the year 1850 exhibit a result at all more favourable, for it appeared by the published monthly returns of the Board of Trade, that while

"During the five months ending the 5th June, 1849, the tonnage entered inwards increased, under protection, over the corresponding five months of the preceding year, 397,777 tons; the increase in the five months of the present, under free trade, over the corresponding five months of the last year, under protection, was only 194,282 tons."

And the disparity between British and foreign tonnage is still more remarkable, for while

> "During the first five months of 1849 British entries advanced beyond those of the corresponding period of 1848, 243,322 tons; and foreign entries advanced 154,455 tons; during the first five months of the present year British entries had absolutely declined from those of 1849, the year preceding the repeal of the Navigation Laws, no less than 85,922 tons; and foreign entries had advanced 280,204 tons."

In order to complete the chain of evidence of the practical working of the new system, as compared with the old, on the total movements of British maritime commerce, and on the proportionate share of that commerce carried on in British and foreign ships respectively, let them observe the following extraordinary facts. It appeared by the Board of Trade's return that—

> "The average annual increase of tonnage, British and foreign, entered inwards (exclusive of vessels in ballast) from the year 1842 to 1849, being the seven years immediately preceding the repeal of the Navigation Laws, was 345,094; of which the average British increase was 244,219 tons; and the average foreign increase 100,875 tons; total 345,094 tons.
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> "But the total for the year 1850, the first after the repeal, instead of 345,094 tons, the preceding annual average, was only 42,427 tons; when the increase of foreign shipping, instead of being 100,875 tons, advanced to 354,258 tons; and British increase, instead of advancing as before at the average rate of 244,219 tons, absolutely declined to no less than the enormous amount of 311,831 tons."

In considering that question, he should observe that they would be led into a very great error if they were to mix up our tonnage outwards and our tonnage inwards for the purpose of showing the state of our navigation, because, while the tonnage was estimated according to the capacity of the vessels, those vessels which sailed outwards were rarely fully laden; and, on the other hand, those vessels which sailed inwards seldom arrived without full cargoes. He therefore took the tonnage of the vessels entered inwards as the true criterion of the maritime movement of the country, and that, he should observe, was the criterion which had always been adopted by Mr. Huskisson. He should next pass to the important consideration of the comparative increase which had taken place of late years in our shipping, and in the shipping of another great maritime country—namely, the United States. He should not do so, however, from any spirit of jealousy towards any foreign nation. But he could not forget the doctrine laid down by Mr. Huskisson, that the British Navigation Laws had been passed for two objects: first, for the purpose of creating in this country a great commercial marine; and, secondly—which was the more important object in the eyes of all true statesmen—for the purpose of preventing any other nation from engrossing too large a portion of the general commerce of the world. Now, let us see, by comparison between the increase of late years in the tonnage of the United States and in the tonnage of this country, how far the latter object was likely to be attained under our présent maritime system:—

> "At the conclusion of the war in the year 1815, the total tonnage belonging to Great Britain was 2,681,276 tons; and that belonging to the United States of America, 1,368,127 tons. In December, 1850, the British tonnage was 4,232,962 tons; and on the 30th of June, 1850, the latest date to which the returns are made up, the American tonnage was 3,535,454 tons."

British tonnage having increased in the interval 1,551,686 tons on 2,681,276, and American 2,167,327 tons on 1,368,127. And the comparative advance of American tonnage during the last few years of the period, and the rapidity with which it is at present progressing, are even more remarkable, for—

> "When the British tonnage, which in 1846 was 3,817,112 tons, had advanced in December, 1850, to 4,232,962 tons, being an increase of 415,850 tons, or 10 8-10ths per cent, American tonnage, which in 1846 was 2,562,085 tons, had advanced in June, 1850, to 3,535,454 tons, being an increase in four years of 973,369 tons, or 37 9-10ths per cent."

He could further inform the House that if American and British shipping continued to increase at their presnt rate of progression, the United States would possess, at the end of four years, a larger mercantile marine than Great Britain. That was a matter which, he thought, could not be too much pressed on the consideration of the right hon. Gentleman and of his Colleagues, as one calculated to awaken serious reflection, if not well-founded alarm. He thought, from what he had stated, that he was justified in asserting that the right hon. Gentleman had failed in making out his first position—that there would be a great increase in the amount of British tonnage. That position, he said, was not borne out by the results, for instead of there being a very great increase, there was a very small increase. Facts refuted the statement of the right hon. Gentleman, for British tonnage had not its full share of the increase. He had showed that it had not; he had showed that they had lost a good deal; and at the present period it was absolutely declining. And now that he came to this point, he was sorry to perceive that the hon. Member for Westbury (Mr. J. Wilson) had left his place, because that hon. Gentleman was much concerned in the documents to which he (Mr. G. F. Young) was about to refer. Let not the House rely too much on those returns, as to the absolute amount of tonnage stated. In the year 1827, it was observed that there was a great quantity of tonnage remaining on the register, which was no longer in existence. An Act was then passed compelling ships to register *de novo;* and the consequence of that was that it was found that there were 396,000 tons appearing to be part of the maritime strength of the country, which was no longer in existence. A quarter of a century had nearly passed since that had been done. He believed that the increase was not carried, in consequence of greater care, to the same extent; but they might depend upon it, that a part of what was set down as the actual tonnage of the country, was no longer in existence; and that if a careful examination were made, British shipping would be found to be of a much smaller amount than 4,000,000. He came now to their entries inwards and outwards. The aggregate amount set down last year was 6,000,000 or 7,000,000 of tons. Did the House imagine that such an enormous amount of tonnage entered into the legitimate trade of the country? He had in his hand a return which had been received by hon. Members that morning, which purported to be a return of those vessels which had entered into the ports of the United Kingdom, from France, Holland, and Belgium, in the year 1850, distinguishing the name and tonnage of each such vessel, with the number of voyages made by each, and stating the number of men by whom the same were manned. The House would hardly credit him when he stated that those vessels, containing 20,257 tons, were the same vessels which figured in the tonnage returns, among the inward entries, as bringing to them in foreign trade 596,763 tons. Now, when such things as these were done, how were the public to know what the facts really were? There was, for instance, one of these vessels, the *Princess Maude*, which made 200 voyages in the year, but that never brought over a single ton of goods, and yet appeared as a vessel by which 30,000 tons were entered inwards. Did our foreign trade increase because thousands of foreigners were passing from Boulogne to Folkstone to visit the Great Exhibition? Every time a steam-vessel arrived it aided in swelling the amount of tonnage which appeared to be engaged in the foreign trade of this country. He did not charge this as an intentional deception at all. It was not with the intention of so having it regarded that he introduced it; but he said with respect to it, as to the American tonnage, it was one that ought to induce them to be cautious. The right hon. Gentleman had next said that he would prove that there was a great improvement in British shipping, and the right hon. Gentleman had drawn a very lively picture—would that it were true!—of the prosperity of British shipbuilding. Now, he (Mr. Young) would venture to say that it was impossible to agree with the right hon. Gentleman even by the slightest reference to the public returns. The register of 1848 showed 305,307 tons; the return of 1850, 237,814 tons. He did not take the year 1849, as it was a year of transition as to building, and he had not been able to get the figures for the year 1849. For those reasons he omitted them, although he was confident, if he could exhibit them, they would prove what he asserted. The conclusion, then, at which he had arrived—and it was founded upon some opportunities for personal observation on his part, and he had received the same intelligence from all the great ports of the empire—was this, that the trade of shipbuilding was in a state of most deplorable depression. In this port there were at the present moment only two merchant vessels building. That there were steam ships building for the Royal Mail Company, as stated by the right hon. Gentleman, he admitted to be quite true; but they were not to be accepted as the proof that an increase of shipbuilding was therefore to be attributed to a repeal of the Navigation Laws; for he asked this question—would not the Royal Mail Company, if it wanted steam-ships, have them built precisely in the same manner if the system of protection had still been continued, and the Navigation Laws had not been repealed? He admitted that in the construction of steam ships they were in advance of all other countries. Most countries in the world sent here to have steam ships built for them, and they did this because if a failure were made in the construction of one of these vessels a large capital would be irretrievably lost; but their success in this one branch of shipbuilding was not a legitimate test of the general state of the trade, which, he maintained, was in a condition of most deplorable depression. He thought that upon one memorable occasion he remembered the right hon. Gentleman venturing to assert that the shipbuilding interest was in a state of very great prosperity. That statement had not been made for more than three days when a statement was sent to the right hon. Gentleman signed by almost every shipowner in London, stating the reverse to be the fact. And now he believed that before a very long period had elapsed, the same right hon. Gentleman would be furnished by a declaration from those engaged in shipbuilding, proving that he was equally misinformed as to the state of the trade. He said that if their shipbuilding was declining, so also was their trade, which had been the most profitable, and which was now falling into the hands of the Americans. The opening of the London trade, and the British trade in the Eastern world, rendered it more profitable to the shipowner of America. It was worth their while to engage in the long voyages as being the most profitable, whilst they left to the British their own worthless short-trading voyages, which we in our distress were compelled to put up with. An American ship, when it left the Atlantic for California, afterwards spread its sails over the Pacific for the Australian colonies, and before it returned considerable time was occupied, and large profits made, and in such a case its inward entries must be small. It was running away with the British trade, leaving to the British its coasting trade as not being worth the keeping. He also said their Indian trade was threatened; but the right hon. Gentleman said that he looked to this competition without dread or apprehension. Was the right hon. Gentleman aware that in 1825 1,100 vessels left for California; that a large portion of British trade was interfered with, that the tonnage — the whole of the tonnage—was British before the repeal of the Navigation Laws? and he asked, what would be the effect of this amount of foreign shipping arriving to trade in their eastern ports? If they doubled the shipping, without increasing the goods to be carried, the consequence must be low freights; and in that case how were they to get on with their British ships? The American, having made a large freight from an Atlantic port to California, had only to complete her voyage, and that she could do at a low rate. He knew one instance of a ship, of from 500 to 600 tons, which by its voyage from New York to China made 46,000 dollars; that ship could well come from China to London at 2*l.* a ton, and she was sure here to be able to get a cargo for New York. And here he could not but observe that the American, the Dutchman, the Spaniard, the Frenchman, were animated with a national feeling, and would not only prefer a ship of their own country, if offered on equal terms with another, but in many cases would pay even a higher freight to employ a ship of their own country. He knew also of a case that occurred not long ago, where a person, an American, had to take out to New York a supply of iron for a railroad, and he said that his orders were to take it out in none but an American ship. Shame, then, he said, upon that feeling which induced them to disregard the claims of their fellow-countrymen. The present system which they upheld was not a system of open competition with foreigners, but it was a system bestowing a large bounty upon their great foreign competitors. It was but little consolation to him to hear the right hon. Gentleman declare that if the rates were reduced—for he could not deny that they had been reduced—it would be a benefit to the consumers, so long as the shipowners were receiving a remunerating profit. But then the right hon. Gentleman did not venture to tell them whether or not the present rates were remunerating. Now he told the right hon. Gentleman—and he believed that what he stated would be confirmed by the experience of every shipowner—that the result of the employment of the whole tonnage of the country, under the present system, was an absolute loss. Upon the capital embarked in shipping, the decline had been 30 per cent, and upon that which was left is wholly unremunerative. His friend Mr. Dunbar had offered the whole of his shipping at 3 per cent, and he (Mr. Young) believed he would be a gainer if he could get any one to take it at that rate; yet a more intelligent, experienced, and industrious shipowner, with greater advantages in his favour, was not to be found again in the rest of the world. If the right hon. Gentleman doubted that there were great losses on the part of the shipowners on account of the repeal of the Navigation Laws, he was sure there were many of them would show him their balance-sheets for last year, and the right hon. Gentleman might convince himself that their assertions were no more than simple truths. As this was the first opportunity he had had of addressing the House for many years, he would not, however tempting was the theme, venture further to intrude upon the time of the House. In saying this much, he hoped he had not altogether failed in establishing the facts for which he contended, by the statistics he had referred to; and he also hoped that he had not altogether failed by a reference to official documents in refuting the assertions which the right hon. Gentleman had made as to the prosperity of the shipping interest. It would be no gratification to him to stand up in that place, and in presence of the public to declare that the interest with which he was connected, and in the prosperity of which he was personally concerned, was labouring under a profound depression. Sure he was that if this question were fairly and fully investigated by the right hon. Gentleman, one gifted with his intelligence, and dismissing from his mind every desire to maintain a foregone conclusion and a favourite theory, would find reason to modify at the least, if not absolutely to change, the tone of his observations upon the facts of this great case. As to himself, it was his duty to declare his convictions, be the consequences what they may, namely, that the British interest was trembling at that moment upon the verge of ruin, and to say that if that House —if a British Parliament were determined to follow out that principle—the cheapest market principle—to go on further in the same career, then he ventured respectfully, but strongly, to warn them that if they thought they could maintain a great mercantile marine under such a system of policy, they would find out their mistake only at a time when the error had been committed, and it was too late to have it corrected. He could not conclude without referring to the many restrictions which the right hon. Gentleman—a champion of free trade—had imposed, in violation of the principles of free trade, upon the shipping interest. He would ask him how they were to reconcile with the principles of justice this system, which exposed him, a British shipowner, to competition with others, when he was precluded by law from employing those who would work for half-wages, such as were paid by his competitors? Two vessels had lately arrived in this port from the Havannah. The consignee was an intimate friend of his own, who took the same interest in this subject, and who, being visited by the captains of these vessels on the same day, inquired of them—one being a Swede, and the other an Englishman—as to the wages paid by him? The captain, the Swede, said his wages were 5*l.* a month—that he received no other allowance—that he paid his men 30*s.* a month—that he gave them meat twice a week, with stock fish and fruit. The English captain said he was paid 10*l.* a month and 5*l.* for cabin allowance; that the wages of the sailors were 55*s.* a month, and that they had 1½ lb. of fresh or 2 lbs. of salt meat every day in the week. With these facts before them, they put the Swede and the Englishman into competition together; and doing this they called it free trade, of which they were the vaunted champions. The right hon. Gentleman was aware that he concurred with him in the expediency and policy of subjecting masters of vessels to examination. He (Mr. Young) had always raised his voice humbly and independently in favour of such a system being introduced, and he thanked the right hon. Gentleman for it; but then he had to add with extreme regret that the Act of Parliament introduced many other provisions which were unconnected with the principles of free trade. Regulations were made which were inefficient for all other purposes but that of harassing the shipowners; and these regulations were grounded on the assumption that it was necessary to afford security to the British sailor on account of his ignorance. They coddled up the British sailor in swaddling clothes, instead of pursuing a consistent course of proceeding. Why not, instead of deploring their ignorance, impart knowledge to them? They doled out a paltry sum on the education of the people of England. In the city of Boston a sum equal to what the British Parliament allowed for the education of the whole people, was appropriated to instruction. There was no American seaman who did not receive the rudiments of a good education. If they could not agree in their polemical differences before they determined on education, let them at least determine upon instructing their mariners. Let them do this, and not persevere with their inconsistent course in reference to the managing clauses of their Bill. He would ask the attention of the House for one minute longer to the case of the masters of our ships. No hon. Member could have forgotten the accounts which had been laid on the table of that House from our various foreign consuls, in all parts of the world, vituperative of the character of British masters, and libellous on their whole body, founded as those accounts were on isolated cases, which ought not to have exposed the entire mercantile marine to the indiscriminate censure to which they had been subjected. But then here was the inconsistency of their legislation. They called the masters a drunken incompetent set of men, yet they put a Clause in their Act of Parliament compelling him and every other shipowner in this country to take these so-styled drunken, incompetent men into their employment. He asked them, therefore, to expunge that inconsistency from their Statute-book. It might be said, why did not the British shipowners adopt measures to meet that? He would say, Never. If they wanted to attack the British sailor, let them (the Government) do it themselves. He was a Protectionist upon principle, and he never would drag that away from another which he would maintain for himself. But if the Legislature thought fit to put a certain disqualification upon him, it was bound to afford him protection up to that point, and he wanted that restriction to be taken off in justice to the sailor. He had to apologise to the House for the length of time during which he had taken the liberty of trespassing on their attention; but he trusted that in the warmth of debate he had used no expression calculated to offend the feelings of any hon. Member present, nor said anything inconsistent with what was due to the House, or to the position in which, as a Member of it, he had the honour to occupy.

MR. J. WILSON said, that neither he nor any other hon. Members of that House had reason to complain of the tone or length of the hon. Gentleman's address, for all must admit that he had a very natural right to address the House on this subject, and to be considered as some authority upon it. Nothing, however, could be more contradictory of the Motion now before the House, than the substance of the speech of the hon. Gentleman; for while the hon. Gentleman commenced by saying that the reciprocity treaties introduced by Mr. Huskisson in 1824 were the downfall of the shipping interests, and the cause of all the mischiefs that had since happened to it; on the other hand, the object of the Motion of the right hon. Gentleman (Mr. Herries) was a return to the policy which prevailed previous to that reciprocity being established, and even to carry out the policy of that system still further. The hon. Gentleman must remember that when the late law was passed in 1848 we were in respect to some of the most important branches of that trade in the very circumstances we were in in 1824, when Mr. Huskisson proposed the Act of Reciprocity; and when he spoke of the decay of the shipping interest since the Act of Reciprocity, he forgot to explain the anomalous condition into which the shipping interest had then fallen, and how for some years our ships had been sailing to America empty, and American vessels came here empty also. The hon. Gentleman had also forgotten that Prussia and Russia had threatened to carry out towards England the same policy which England and America had been pursuing towards each other, and that it was only in consequence of that pressure that Mr. Huskisson introduced his system of reciprocity treaties. When the present law was passed in 1849, we were, as to some of the most important branches of our trade, similarly circumstanced as in 1824. The hon. Gentleman also had forgotten to state that Russia had passed a law which would have excluded us in the next year, on the expiration of the existing treaty, from the whole indirect trade with that country; and that Prussia also had given us notice that on the expiration of their treaty we should be subject to the like restriction as to the internal trade with her. Now, the hon. Gentleman had based the greater part of his argument on the distinction between the shipping entered outward and inward; and said that the former could not be taken as a criterion of the quantity, but he confessed that the tonnage inward increased. He (Mr. Wilson) admitted that some years ago, while there existed such restrictions as the hon. Gentleman had alluded to, and wished to perpetuate, there might be a good deal in that argument; because only a small part of the shipping carried goods outwards; but the hon. Gentleman must remember that the great object of the alteration in 1849 was to lessen that distinction between outward and inward shipping; and the increase in the quantity of shipping in the last two years was most satisfactory evidence of that having been the effect of the law. Prior to the year 1849, there was a difference between outward and inward tonnage, for the simple reason that vessels going to the United States could not carry cargo outwards, but could inwards; whereas, last year, the amount entered inwards and outwards was nearly the same; and it must be remembered that, from a country like this, which exported fine manufactured goods, the amount could not be exactly the same outward as inward, for the reason that a great portion of their outward cargoes consisted of valuable goods which lay in a small compass, while nearly the whole of their inward cargoes consisted of raw materials which occupied a considerable bulk. The hon. Gentleman, as a shipowner, must know, as a general rule, that a larger quantity could not enter inwards than had previously entered outwards, and if we saw our shipping increase outwards, there must, in a short time, be a corresponding increase of inward entries. The hon. Gentleman had referred to the trade of 1851 as evidence of the decline of the shipping trade of this country in consequence of the Act of 1849; and he (Mr. Wilson) must call the attention of the right hon. Gentleman who opened the debate to what appeared to him a mistake in one of the statements which he made. He was ready to admit that the entries inwards of 1850 were somewhat smaller than those of 1849; but the gross entries inwards and outwards were not, as the hon. Gentleman stated, smaller, but were somewhat larger. But the right hon. Gentleman took the average of the preceding four years, and he said that they were not only smaller in the year preceding, but that they were smaller than in the preceding four years. [Mr. HERRIES: Three years.] He understood him four years, but whether four or three, it made no difference to the argument. He (Mr. Wilson) found the average of the tonnage entered inwards and outwards for the four years preceding 1850 to be 7,474,000 tons—whereas last year there were 8,039,000 tons. The right hon. Gentleman referred to what had taken place in the last nine years, and endeavoured to show that there had been a smaller increase in our exports than during the preceding nine years. The right hon. Gentleman referred to a return which was quoted by the hon. Member for Liverpool (Mr. Cardwell); and he must say, he had never heard a statement in that House which astonished him so much, and which was, as he thought, so opposite to the facts of the case, as when he heard the right hon. Gentleman state that taking the exports from this country, the increase of ships was in a larger ratio previous to 1849 than since. He had the returns before him, and he found that previous to the year 1842, the year to which the right hon. Gentleman referred, instead of there being a material increase, there had been for some years rather a decline in our exports. In 1835, the exports of this country were 53,000,000*l.*, whereas in 1842 they were only 47,000,000*l.*, the latter being a year of depression he admitted. But in 1835 the exports were 53,259,000*l.*; and in no year, up to 1842, did they amount to that sum. But what had been the facts since 1842? Why, the exports had increased from 47,000,000*l.* in 1842, to 71,000,000*l.* in 1850. The right hon. Gentleman, he thought, did not take quite a fair way of making his comparison, as he took the average of the last nine years, and the average of the past nine years included the low sums of the earlier period of the free-trade measure; but if they looked at the figures they would find a steady annual increase during the whole of that period; so that by taking that average the right hon. Gentleman got rid of the larger amounts of the latter part of that period, by mixing them up with the smaller amounts of the former part of the period. It could not be denied that there had been an increase during the last nine years unparalleled in the history of this country, or in that of any other country whatever. The hon. Gentleman who had just resumed his seat (Mr. G. F. Young) reminded them that there had been during that period a large increase in the amount of foreign tonnage—that they had in 1849 only 1,990,000 tons, whereas, in 1851 they had 3,900,000 tons, showing an increase of 1,900,000 tons. He (Mr. Wilson) was quite willing to admit that; but then had there been no increase during the same time of British tonnage? In 1842 the amount of British tonnage was 5,415,000 tons, in 1850 it was 8,039,000 tons; so that while they had an increase of foreign tonnage of 1,900,000 tons, they had an increase in British of 2,600,000 tons. The hon. Gentleman had referred to America, and he at once unhesitatingly admitted that they were our great and most-to-be feared rivals—indeed that was the only country towards which we need look with any anxiety as to the commerce of the world; but he thought the hon. Gentleman had exhibited a comparison of the commercial marine of America with that of England in a very unfavourable light to this country, and that the hon. Gentleman had misstated the facts. His right hon. Friend (Mr. Herries) had alluded to the considerable falling-off in the quantity of American tonnage entered inwards and outwards in 1850 as compared with 1849; and he had given an explanation of that fact with which he (Mr. Wilson) perfectly agreed. But while he gave the right hon. Gentleman the advantage of that explanation with regard to the falling-off of American tonnage, he asked for the same explanation to be admitted with regard to British tonnage. The Americans had no doubt been taking advantage of the opportunity of going into the eastern seas, and had been aided by the discovery of the mines in California, and the English ships had been following them. His noble Friend at the head of the Colonial Department had shown him a despatch from Hong-Kong, from which it appeared that out of 10,700 tons of shipping of all nations in that port, no less than 3,700 were British, while only 1,700 were American, so that the same reasoning which the right hon. Gentleman availed himself of to account for the falling-off of American tonnage in 1850, was equally applicable to the falling-off of English tonnage in the same year. But now with regard to the actual state of British and American shipping in the American ports, there were some facts in this report which the hon. Gentleman would not be prepared for. The total quantity of shipping in 1850, inwards and outwards, from the whole of the American ports to the whole of the world, was 8,709,000 tons, while the quantity in this country was 12,030,000 tons; so that the shipping from this country was no less than 50 per cent greater than that of the United States. But of the American, 8,709,000 tons, 5,206,000 only consisted of American ships, and 3,503,000 of foreign; while of the 12,000,000 from British ports, only 3,900,000 were foreign; and out of the 3,503,000 tons connected with the American trade, no less than 2,400,000 was in British ships; and all the rest of the world could muster 659,000 tons only. Again, compare the quantity of trade which America took from us, with what we took from them. The American trade gave employment to 1,639,000 tons of British shipping more than the British trade gave employment to the American. The right hon. Gentleman (Mr. Herries) referred at considerable length to the great advantages the Americans had in building ships as compared with this country. From the finance accounts it appeared that the ships built and registered in the United Kingdom in the last three years were, in 1848, 122,000 tons; in 1849, 117,000 tons; and in 1850, in which, according to the right hon. Gentleman, British shipping had been ruined by foreign competition, it had risen to 133,000 tons; and, if he was informed rightly, in this year, so far as it went, there was a still greater increase. He found in the report of the Shipowners' Committee in Liverpool a letter from Mr. Aylwyn on this subject, a gentleman whose opinions were entitled to great respect. Mr. Aylwyn returned to the United States some time ago, and he sent to a Member of that House a statement exhibiting the fearful character of the competition we should have with the United States. Now, he held in his hand a letter on the comparative ability of the United States and this country to build ships; and when he had read this letter and mentioned the name of the person who wrote it, he was quite sure that every one in the House would give credit to the opinions expressed by the writer. The hon. Member then read the letter in which it was stated that the *Ann Dixon* which had been built at Sunderland, had been built at a cost of 10 per cent less than it could have been constructed in the United States; that she had great sailing powers, and would carry a tonnage of nearly 7 per cent over her registered tonnage; and the writer gave it as his decided opinion, that, quality for quality, British ships could always be built cheaper than American. This letter was signed by Mr. Aylwyn; and this was the gentleman who had been frightening the shipowners of this country out of their wits. But the hon. Gentleman (Mr. G. F. Young) used a very singular argument, as it appeared to him, when he said it was true that there had been an increase in the tonnage of vessels, but that a great many of them were steam vessels. If the hon. Gentleman had taken a fair view of the question, he would have seen that every steam vessel ought to count for two or three sailing vessels, seeing that a steamer would make two or three voyages, while a sailing vessel made one; and that, therefore, he ought to have arrived at the very opposite conclusion to that which he did arrive at. Then the hon. Gentleman referred to the great inroad which the Americans were making in a very important branch of our trade—the East India trade. He (Mr. Wilson) was very desirous that the facts of the case should be known to that House and the country, because, that matter had excited considerable alarm, which he believed to be totally unfounded. To hear the hon. Gentleman speak of the East India trade since the repeal of the Navigation Laws, the House would be induced to believe that the whole of that trade, or the largest portion of it, had been lost to this country, and that it had been absorbed by the Americans. Now, he held in his hand a return of the British shipping entered outwards and inwards in the Indian trade for the last three years, and he found that in 1848 it amounted to 840,000 tons; in 1849, to 928,000; and in 1850, the year of free trade, and when the British East India trade was said to have been absorbed by the Americans, it was no less than 1,035,000 tons, a larger amount of British tonnage entered inwards and outwards than in any previous year. The right hon. Gentleman (Mr. Herries) had plumed himself upon bringing his facts down to the last six months. In this respect he (Mr. Wilson) would do the same. During the last six months of 1849 the quantity of shipping entered inwards and outwards in the East India trade was 439,000; in the first six months of this year it was 496,000, showing an increase of 47,000 tons in this trade alone; and by the last Indian mail they learned that British shipping was scarce in the Indian ports, and that the freights had risen from 3*l.* 3*s.* a ton to 4*l.* and upwards. In reference to the Indian trade, he would call the right hon. Gentleman's attention to two or three singular facts, which would lead the House to a very different conclusion from that which the right hon. Gentleman would have them arrive at. The facts were derived officially from the Indian Government. He believed that never until this year had the East India Company found any difficulty with regard to its contracts for coals to be delivered in the eastern seas; but this year they had found the greatest difficulty. The contractors here had experienced great difficulty in finding vessels suitable in size to carry coals; they had in consequence thereof been obliged to borrow 10,000 tons from the Oriental and Peninsular Steam Packet Company, and had advised the Indian Government that it must rely more on arrangements to be made on the spot. Moreover, he had been informed by a director of the Oriental and Peninsular Company, that in consequence of the busy state of the carrying trade, coals had risen 10 per cent in price. The right hon. Gentleman had invited the House to address the Throne in order that a system of retaliation might be carried out against those States which had not followed the example of this country; but he (Mr. Wilson) thought it was unreasonable, when a change in the policy of this country had only been in existence for eighteen months, when the restrictive policy had been pursued for so many years, to complain of foreign countries, that they were not ready to change their policy the moment we changed ours. The right hon. Gentleman was premature; especially when it was notorious to the world that the Government of this country was in negotiation with those States which had not followed our example, to induce them to copy our policy. When they had adopted a free-trade policy with large States, such as Sweden, Holland, and the United States of America, he thought it would be most unwise to retaliate upon such countries as Spain or Belgium. If they made the attempt to retaliate, the law would most certainly be invaded; for if we refused to take the goods of those countries direct, they could easily be sent to Rotterdam, and shipped thence to this country, and we could not refuse to admit them. They might make laws, but they would only be evaded. With Sweden, Holland, Prussia, Hamburgh, and the Hanse Towns, and, above all, with the United States of America, we had full and entire reciprocity; and when we enjoyed reciprocity with the great maritime countries of the world, it was hardly fair to select small States like Belgium and Spain, in order to mourn over the want of reciprocity with them. He could understand the policy of the right hon. Gentleman, if his object were to punish foreign countries; but this was not his object. His object was to benefit the British shipowner; and this being the case, what benefit could our shipowners derive from Spanish goods being brought here in Dutch in place of Spanish vessels? He could not help deprecating the course of remark which the right hon. Gentleman had adopted in speaking of the Dutch. He wished that every Government had behaved as openly and as generously with regard to the Navigation Laws as the Dutch. They copied, clause by clause, our law of 1848. Considering the prejudices of the Dutch in favour of retaining the trade with Batavia in their own hands, he considered they had behaved with great generosity in opening their Batavian trade as freely as their home trade to British ships. Our vessels could now go from Liverpool and London to Batavia as freely as from Rotterdam, and this was a valuable privilege. And he understood that British ships were entering into competition with Dutch ships for the carrying trade from Batavia to Rotterdam and Amsterdam. The right hon. Gentleman had referred a good deal to the trade of France, and had read a passage from a French writer, deprecating our free-trade policy being followed by France, and describing the English nation as on the verge of a crisis, in consequence of the system now pursued. Now, on comparing the returns of the tonnage entered into the ports of France with that entered into the ports of England from the year 1842 till the year 1850, he found that while the returns of France showed an increase during that period of 341,000 tons, those of England exhibited an increase of no less than 4,763,000 tons; in 1842 the French tonnage was 3,609,000 tons, and the English 7,347,000 tons; in 1850 the French had increased to 3,950,000 tons, while the English tonnage had increased to 12,020,000 tons. The right hon. Gentleman had compared the commerce of France with that of England, as well as the Navigation Laws of the two countries. On this matter he (Mr. Wilson) might state that he had seen a speech of M. Thiers delivered lately in the French Assembly, loudly boasting of the enormous increase in French commerce. In that speech M. Thiers had shown by extracts from the official returns that the whole commerce of France (taken at the official valuation) had increased during the last eight years by 19,000,000*l.* sterling, from whence he drew the inference that the policy of France was more beneficial to her commerce, than that of England. During the same period, however, the commerce of England, taken at the actual valuation, not at the official, had increased to the extent of 67,000,000*l.*, and if it had been taken at the official valuation, the increase would have been 118,000,000*l.* sterling; so that in the matter of commerce the increase was not less surprising than in that of navigation. The right hon. Gentleman (Mr. Herries) and the hon. Gentleman (Mr. Young) had drawn a very melancholy picture of the present state of the shipping trade of this country; but he (Mr. Wilson) thought he had shown that as regarded our Indian, American, and home trade, that picture was overdrawn. He would now state a few facts as regarded the port of London. He had recently sent to the Custom House for some returns, in order to see what were the proofs of the great competition which it was said our shipowners had to encounter. He found that there were, at this present time, loading for Asia and Africa, including all the countries eastward of the Cape, excepting our Australian Colonies, 52 ships, the total tonnage of which was 30,899 tons. Of these only four ships, amounting in all to 1,970 tons, were foreign ships; and two of these foreign vessels were Dutch, availing themselves of the beneficial alteration of our Navigation Laws, and going direct to Batavia, carrying cargoes of British manufactures. Loading for our Australian Colonies in the port of London, there were 32 ships, amounting to 16,000 tons; and of this number not one single vessel was foreign. There were loading for the West Indies 20 ships, of 5,319 tons, and only one of that number was a foreign vessel. The total number of British vessels loading at present in the port of London was 179, of 67,512 tons burden; while the foreign ships numbered 82, and amounted to no more than 15,000 tons burden. They would find beside that all the long-voyage trade was still kept by the British ships, and that this 15,000 tons of foreign shipping was made up of short voyages to the Baltic. This did not indicate an unfavourable state of our shipping. Allusion had been made to the opinions of Mr. Dunbar and other extensive shipowners in favour of this Motion; but he found from a letter by Mr. Dunbar, published a few days ago, that that gentleman objected to the sliding-scale of our late corn laws, and had considered improvement in our Navigation Laws necessary before the late alterations in them; and that, further, he advised those interested in the shipping trade to put their shoulders to the wheel, and endeavour to get rid of their grievances. He (Mr. Wilson) did not hesitate to admit that some considerable portion of our shipowners were suffering depression, but that depression was confined to those small ports which were engaged in the coasting trade. But how did that distress arise? The other day a man came to him from Hastings, and said be was ruined. He used to have four ships sailing from Hastings to London, but now he found that the railway was taking all the goods. The inland coal trade was also operating on the colliers of Newcastle and the northern ports. The fact was, that the railways now carried a large proportion of the goods some time ago carried by coasting vessels. He did not deny that at the present moment there was in the shipping trade, as in all other trades, a rapidly increasing competition; but he was satisfied that that competition was between British owner and British owner, and not between British owner and Foreign owner. He had lately had a conversation with some shipowners at the London Docks, and although the competition between London and Liverpool had been talked of, not a murmur had escaped them as to the competition of foreign vessels. It had been stated that Mr. Lindsay, an extensive shipowner, brought goods from the warehouses at Manchester to London by railway, and shipped them to Calcutta, at a charge of from 25*s.* to 30*s.* per ton. Of this the Liverpool shipowners naturally complained; but this was a competition between Englishman and Englishman. They had lately a shipowner examined before the Committee sitting on steam communication with the East, and that gentleman had informed them that at the present time it was utterly impossible to get vessels built and put on stations at any specified time. The trade was so busy that shipowners would not bind themselves to time, and from the same cause the workmen had become difficult to deal with. The hon. Gentleman (Mr. Young) had referred to the disabilities under which this country laboured connected with the French trade, and had asked us to retaliate in consequence of these disabilities. We did not, however, require to adopt such a course; France had herself suffered much inconvenience from these very disabilities. Surely the hon. Gentleman did not wish them to retrace their steps, and introduce again such great anomalies. In every great change there were some individuals inconvenienced; and he had no doubt that small shipowners had been injured in this case; but, looked at as a whole—considering the great increase of our American trade, the increasing trade in our building yards, and other prosperous symptoms, he thought the House should pause before they adopted any principle of retaliation, or had recourse to the old exploded system with which the country had so long been burdened.

Mr. DISRAELI: Sir, I think that no apology was necessary from my right hon. Friend who introduced the Amendments this evening, for calling the consideration of the House to the state of an important branch of our national industry; and, Sir, whatever may be the difference of opinion with respect to the cause of the distress, or the depression of any considerable portion of Her Majesty's subjects engaged in any great trade, I cannot but think that Parliament, after sitting six months, should not be prorogued without having discussed the cause of that depression or distress. Sir, whatever may be our opinion of the policy or impolicy of any laws which this House may have passed or abrogated with reference to their influence upon any branch of the public industry, surely there is no hon. Gentleman who will maintain but that it is in the highest degree impolitic, that, whatever may be the difference of opinion, there should not at least be one point upon which both sides of the House should agree, namely, that the House of Commons is the proper tribunal where the complaints of that suffering branch should be preferred, and where they may be fully and fairly discussed; and no one, Sir, will contend that the state of the shipping interest of this country is at present one of prosperity. You may account for the depression that exists—you may offer reasons for the distress which is acknowledged—you may tell us that that industry is in a state of transition; but you cannot deny that it is now in a peculiar position—you cannot contradict the assertion that it is at this time suffering, and suffering from the experience of our novel legislation. And allow me to remind the House of the peculiar condition of the shipping interest—which marks it out from all those other branches of our public industry which may equally be suffering distress and depression. You find this in the state of the shipping interest, that there is acknowledged to be a considerable diminution of the profits of the capital employed in that industry, attended, at the same time, with a diminution of the means of employing the labour of that industry. In all other instances—take the case which has been so frequently, perhaps unnecessarily, referred to to-night—that of the agricultural interest—you always tell us, "We acknowledge that there is a great diminution in the profits of the capital invested in that industry; but no one can pretend that the employment of the labour of that industry is at all proportionately reduced, or at all diminished." You acknowledge that the occupier of the land may no longer receive the same, or even a remunerative, return for his capital; but you always tell us, "You cannot deny that the labourer on the land is well employed, and is well paid;" and you refer with triumph, and with an appearance of plausibility, to the returns which are supplied you by the poor-law officers throughout the country. But in the case of the shipping interest, while the profits of capital are so sensibly diminished, the means of employing labour are equally diminished; and it is to-night acknowledged by both sides that there is a diminution in the balance of upwards of 500,000 tons of British, as regards the employment of British and foreign shipping. Now, Sir, I have no doubt that in this, as in other instances, we have been too precipitate—we have been too hasty—in the line that we have adopted, and the course that we have pursued. I have no doubt that in the case of the shipping interest, as in that of the agricultural interest, we ought not to have recourse to any coarse or violent reaction, but that we should have recourse to those temperate, to those remedial, to those equitable, and to those countervailing measures which the circumstances of the case require, and which we should have well considered before we embarked on the course which we have too rashly pursued. Well, Sir, what is the Motion before the House? What is the Amendment which my right hon. Friend (Mr. Herries) has moved? Remember that this is not an Amendment which calls in question the policy or impolicy of repealing the Navigation Laws, or of maintaining them. It is, on the contrary, a measure which, in the very law that was passed by the Government that repealed these Navigation Laws, was suggested as a remedial measure, to be had recourse to if the shipowners of this country found that they were embarked in an unequal, and therefore an unjust, competition. And, Sir, I must say that nothing has more amused me in the course of this debate—if, on a subject so serious, and where so much is at stake, where British capital is suffering so much, anything could be amusing—than the mode in which this Clause, referred to in the Amendment of my right hon. Friend, has been treated by Her Majesty's Ministers. My right hon. Friend's Amendment is for—

> "An humble Address to Her Majesty, praying that She will be graciously pleased to direct the proper steps to be taken for giving effect to those provisions for the repeal of the Navigation Laws, whereby Her Majesty is empowered to adopt towards any Foreign Country, in which a preference is given, directly or indirectly, to national vessels over British vessels, such measures as may appear to Her Majesty justly to countervail the disadvantages to which British trade and navigation is so subjected."

This being the Amendment, the right hon. Gentleman the President of the Board of Trade rises and informs us, in the most authoritative manner, that at this moment negotiations are going on with no less than three Powers, in order to obtain for the suffering British shipowner the advantages which may be supplied by this prescient and provident clause of Her Majesty's Ministers. No doubt, the noble Lord the Secretary of State for Foreign Affairs has only very recently employed a portion of his much-occupied and anxious time in penning despatches, the object of which was to obtain for the British shipowner the effect of this salutary provision. But what says the hon. Gentleman the Secretary of the Board of Control, who last addressed the House? Disregarding the solemn announcement of a Cabinet Minister, that at this moment negotiations are being prosecuted with no less than three Powers—forgetting the presence of the very Secretary of State who has commenced these negotiations, the hon. Gentleman the Secretary of the Board of Control, who is not yet in the secrets of the Cabinet, derides the Clause, describes it as one absolutely absurd, as one which it is impossible should effect anything; and if absurd, if utterly useless, if under all these circumstances, inefficient, how can he vindicate the statement of the right hon. Gentleman, and how can he justify the labours of the noble Lord? Now, Sir, I am not of the same opinion of the hon. Gentleman the Secretary of the Board of Control. I have more confidence in Her Majesty's Government than a subordinate Member of that Government appears to possess. I give faith to the right hon. Gentleman the President of the Board of Trade, and to the noble Lord the Secretary for Foreign Affairs, for their intentions and their labours; and I believe that they have confidence in the policy which they are pursuing, and I believe that course to be an efficient one. Now, Sir, from what has recently occurred in this House, can I bring myself to believe that the policy indicated in this Clause, recommended by my right hon. Friend (Mr. Herries) and pursued—as I must believe after the statement of the right hon. Gentleman the President of the Board of Trade, that it is by Her Majesty's Ministers—is not a salutary one? It must be in the recollection of many Gentlemen who hear me that a petition was presented not long ago by my hon. Friend the Member for Huntingdon (Mr. T. Baring) from merchants and shipowners connected with the trade of Newfoundland and Labrador. That petition was signed by almost every mercantile firm in the country connected with that trade—I think by upwards of 150 firms in London, Liverpool, Bristol, Poole, Teignmouth, Torquay, and other western ports connected with this trade; and what was the statement of the petition thus influentially signed, and presented by one so much entitled to the consideration of this House on such a subject as my hon. Friend the Member for Huntingdon? Why, it stated that the whole of our fish trade from Newfoundland and Labrador to Spain was fast leaving us—that the Spanish Government imposed a differential duty on cod fish imported in Spanish as distinguished from British ships, of not less than 3*s*. a cwt, in favour of the former. I think the duty was 8*s*. 7*d*. per cwt. for fish imported in a Spanish, and 11*s*. 9*d*. per cwt. for that imported in a British ship. Now what, according to that petition, was the effect of this upon the commercial movement of trade of Newfoundland and Labrador from the year 1841 to 1850? In 1841 there were eight Spanish ships in the trade, that imported 20,000 cwts. of codfish; in 1850 there were sixty-four Spanish ships, importing upwards of 150,000 cwts.; and that trade had proportionately left English merchants and English shipping. Well, I want to know why we should not seek in this Clause, inserted by its promoters, in the Act which repealed the Navigation Laws, for the remedy which I suppose it was sincerely intended to secure to the British shipowner? The noble Lord opposite knows very well that the statement made by the hon. Secretary for the Board of Control is not practically justified. The noble Lord knows very well that in 1837, when Portugal levied a higher duty upon English shipping as against the Portuguese shipping, he had recourse (under the old Act of William IV.) to the retaliatory duty? And what was the conduct of Portugal under these circumstances? The noble Lord knows very well that Portugal almost immediately repealed the differential duty, and that British shipping was placed upon the same terms and upon the same level in the ports of Portugal as the shipping of the country. But upon the practical question of the course we ought now to adopt, I confess that I take a somewhat different view from several of my hon. Friends who have spoken to-night. If we were called upon merely to discuss the general question of the policy or impolicy of repealing the Navigation Laws, I should say that under all circumstances, and at every opportunity, I should feel it my duty to express an opinion that that repeal was a hasty, ill-considered, and perilous act. But that is not the question we are called upon to decide to-night. The Amendment of my right hon. Friend refers entirely to the clause in the Act of Victoria, commonly called "the Retaliatory Clause." I admit that that Clause, as it appeared in the Act, was full of difficulties. But allow me to ask Her Majesty's Government, who are responsible for the form which it assumes in our legislation, and for the difficulties which in consequence of that form we experience? It was framed in the manner in which it now appears, from no want of warning and counsel on the part of several persons of considerable authority on this side of the House. The Government were told that it was not wise to part with power; that that boon, if it was to be conceded to foreign countries, ought to have been given for an equivalent; and that the best course would have been to invest Her Majesty in Council with the right to extend those advantages to other countries in return for equivalent advantages. That course was urged by my right hon. Friend the Member for Stamford, and also by the Member for the University of Cambridge (Mr. Goulburn), and in another place by Lord Stanley; yet, notwithstanding these warnings, the Government thought fit to frame the Act in the manner in which it appears on the Statute-book. They are responsible for the difficulties which have been so graphically described by the hon. Gentleman the Secretary of the Board of Control; and while they are responsible for those difficulties, they are also responsible for securing to the country those benefits which this Clause was intended to confer. Her Majesty's Ministers have now formally announced to the House that under this Clause they are at the present moment in active negotiations with three Powers; and I confess that under these circumstances I do not see how my right hon. Friend can press his Amendment of an Address to Her Majesty, which may interfere with the negotiations which we have been assured are actively proceeding. My right hon. Friend has had an opportunity of making a statement which has received from the right hon. President of the Board of Trade such an answer as the Government can give. I think it extremely advantageous that a fair discussion on the main question should have taken place; but when we are called upon to divide on an Amendment for an Address to Her Majesty to take a step which Ministers inform us is the subject of grave negotiations with not less than three Powers, that is a course which I do not think the precedents of this House would authorise, and which I feel convinced ought in every way to be deprecated. I know there are some Gentlemen who sit behind the Treasury benches, who would think lightly of interrupting a painful negotiation, because they are unacquainted with and are not prepared for the responsibilities of office; but Opposition has some responsibilities, and I hope, therefore, that as this Amendment would interfere with negotiations at present in progress with no less than three Powers, my right hon. Friend will not press it to a division.

COLONEL THOMPSON said: There is one omission in all the speeches which have been heard from hon. Gentlemen on the other side of the House. It is clear that the shipowners complain that they have not so much trade as they want; and they as clearly desire and ask, that the trade of somebody else shall be stopped, that they may benefit by it. But they never tell us whose trade they want to stop, or, in popular language, who it is that is to suffer. I can tell hon. Gentlemen briefly: it is the trade of my constituents and what may be called the commercial interest in general, meaning by that term all, whether manufacturers or merchants, who are engaged in producing or transferring the goods which go to the foreigner in exchange for what is received from him. The enormous mistake of hon. Gentlemen opposite is in not discovering, that it is we who are their real rivals on these occasions, and not the foreigner. It is we, who pay taxes as much as hon. Gentlemen opposite or their supporters, and are in every respect as much a component part of the country as themselves. And this is what is called Protection to British Industry, and what the country at the next election is to be stirred up to support. Put down the British commercial interest wherever a man can be found to say he should be the better for it, leaving as the balance of the account, that the consumer is to pay the difference of price; and call this Protection to British Industry. The commercial interest is to be the resource for every man who thinks he can gain by taking from it. As Talleyrand said of Bentham, *Pillez-le bien; il est toujours riche.* One word more on the immediate demand of the present Amendment. The demand is for retaliation. In all cases of retaliation, there is the question whether it is not of the kind which in proverbial parlance more forcible than elegant, is called cutting off the nose to be revenged on the face. There is one national advantage we receive from the freedom of trade with us allowed to foreigners; there is a second national advantage which we should receive if foreigners would allow the same freedom of trade with them. And the proposal put forward under the phrases of retaliation, reciprocity, and protection to the public, is, that in revenge for not having both, we should voluntarily cut off the first.

LORD JOHN RUSSELL: Mr. Speaker, I do not quite understand, after the speech of the hon. Member for Buckinghamshire (Mr. Disraeli), with what view this Motion has been brought forward. The hon. Gentleman says, and says with great truth and with much justice, that when a Government is engaged in negotiations with other countries, it is not seemly or fitting (without some great cause for mistrust, which can be proved to the satisfaction of the House) to interrupt and prescribe the course of those negotiations, to take them out of the hands of the Government, and to assign them to other management. The hon. Gentleman is quite right in his statement, and his argument is conclusive; but I cannot but wonder that this view of the case did not present itself to the mind of the hon. Member himself, or to that of the right hon. Gentleman the Member for Stamford (Mr. Herries), before they made a solemn announcement of their intention to bring forward this Motion, and before they addressed themselves with so much pomp and circumstance to the task of soliciting the opinion of this House with respect to it. Already the Government has had occasion to appreciate the salutary effect of the Clause to which the Motion referred; and it has been proved to the satisfaction of every unprejudiced mind that reciprocity has not been denied by the United States, by Holland, by Prussia, or by the Northern Powers. The only question which remained for our consideration was, whether some other of the Powers who have a mercantile marine—though on no very extensive scale—should be compelled by the effect of that Clause to grant a similar reciprocity. With regard to the principal of these—Spain—the question has been, upon more than one occasion, brought before this House, and the hon. Member cannot, consequently, have been ignorant that negotiations are in progress of completion on the subject. After so many preliminary flourishes—after a whole week's preparations—and after the grand and magniloquent announcements which we have had from time to time on the subject of this Motion, it is certainly rather a sudden discovery for the hon. Member to make, at this hour, that it is not proper to interfere with negotiations which are pending. But I am glad to perceive even these tardy indications of repentance. Although the right hon. Gentleman's (Mr. Herries') Motion was rather a narrow one, and did not aim directly either at the restoration of the Navigation Laws or of protection; his arguments, and those of the hon. Member for Scarborough (Mr. G. F. Young), went very far beyond the terms of the Motion. The whole of their arguments were intended to prove that we were in a wrong course altogether, and that the only thing for us was not to carry into effect one single Clause of the Act for the repeal of the Navigation Laws, but to repeal that Act altogether, and to restore those laws to their original force and vigour. To be sure, if we were to do any such thing, we should deprive ourselves of the means of commerce, and hand over the coasting trade to the United States. If the hon. Member for Buckinghamshire and his friends think that they have had a complete answer to all their charges, then has their whole case broken down, and it is clear that, so far from facts supporting their allegations, my right hon. Friend the President of the Board of Trade, and my hon. Friend the Member for Westbury (Mr. J. Wilson), have supplied a complete refutation to their allegations, and have proved that the policy of Parliament, during these last two years has been a most successful policy. If the hon. Gentlemen opposite are forced to admit that all statistics, statements, and investigations of facts have proved them to be in error, and the majority of this House to be right, I shall be glad to find that confession ratified and recorded by the decision of the House.

Mr. WAWN said, that to his knowledge many votes had been given in favour of the Bill for repealing the Navigation Laws, on the faith of the Clause that had been so often referred to.

Mr. MUNTZ wanted to know why the two right hon. Gentlemen, the Chancellor of the Exchequer and the President of the Board of Trade, did not carry out their free-trade principles altogether, and especially why they did not reduce the duty on tin?

Question proposed, "That the words proposed to be left out stand part of the Question."

Question put, and *agreed to*.

Question again proposed, "That the Bill be now read the Third Time."

Mr. LABOUCHERE said, that in reference to the question asked by the hon. Member for Birmingham (Mr. Muntz), as to the reduction of the duty on tin, he confessed it was a subject well worth attention. At this period of the Session, however, it could hardly be advantageously discussed, but on any future occasion when the Customs were being dealt with, the tin duties should not escape attention.

Sir JOHN PAKINGTON moved that the debate be adjourned.

Lord JOHN RUSSELL said, he must complain that after the time of the House had been occupied in the fruitless discussion which had taken place, such a course was most unfair.

Sir JOHN PAKINGTON said, he was most anxious not to do anything that could for a moment be considered unfair, but he was anxious to bring under the attention of the House the claims of persons interested in West India sugar, and as it would occupy some time, it would hardly be thought desirable that he should bring on the question at that hour.

Mr. CARDWELL said, that the case his hon. Friend (Sir J. Pakington) wished to bring under the attention of the House, was that of the West Indians and others engaged in the sugar trade, who claimed to have the privilege of refining sugar in bond. He thought, however, it was impossible to postpone further the third reading of so important a measure as the Customs Bill, which was not only of importance to the sugar grower, inasmuch as it reduced the duty on coffee, but also to the shipping trade by reducing the duty on timber.

Mr. G. F. YOUNG said, that the shipping trade considered that the reduction of the timber duty would be of no benefit to them, but that it would operate as a bounty on the introduction of Baltic timber in foreign ships.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 50; Noes 158: Majority 108.

List of the Ayes.

Archdall, Capt. M.
Baldock, E. H.
Bankes, G.
Baring, T.
Barrow, W. H.
Beresford, W.
Blandford, Marq. of
Booth, Sir R. G.
Buller, Sir J. Y.
Burrell, Sir C. M.
Clive, H. B.
Cobbold, J. C.
Codrington, Sir W.
Disraeli, B.
Dunne, Col.
Edwards, H.
Fox, S. W. L.
Gaskell, J. M.
Goold, W.
Grogan, E.
Gwyn, H.
Hamilton, G. A.
Hamilton, J. H.
Henley, J. W.
Herries, rt. hon. J. C.
Hudson, G.
Knox, Col.
Lennox, Lord A. G.
Manners, Lord C. S.
Maxwell, hon. J. P.
Mullings, J. R.
Napier, J.
Noel, hon. G. J.
Packe, C. W.
Renton, J. C.
Sandars, G.
Sibthorp, Col.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stanford, J. F.
Taylor, Col.
Verner, Sir W.
Vyse, R. H. R. H.
Waddington, D.
Waddington, H. S.
Whiteside, J.
Williams, T. P.
Willoughby, Sir H.
Young, G. F.

TELLERS.
Newdegate, C. N.
Pakington, Sir J.

List of the Noes.

Abdy, Sir T. N.
Acland, Sir T. D.
Adair, H. E.
Aglionby, H. A.
Anderson, A.
Anson, hon. Col.
Armstrong, Sir A.
Armstrong, R. B.
Baines, rt. hon. M. T.
Baring, rt. hn. Sir F. T.
Bass, M. T.
Bell, J.
Bellew, R. M.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Bruce, Lord E.
Bunbury, E. H.
Butler, P. S.
Buxton, Sir E. N.
Cardwell, E.
Carew, W. H. P.
Carter, J. B.
Cavendish, hon. C. C.
Charteris, hon. F.
Cholmeley, Sir M.
Clements, hon. C. S.
Cobden, R.
Cockburn, Sir A. J. E.
Cocks, T. S.
Collins, T.
Cowper, hon. W. F.
Craig, Sir W. G.
Dawes, E.
Denison, J. E.
D'Eyncourt, rt. hn. C. T.
Drumlanrig, Visct.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Ellis, J.
Elliot, hon. J. E.
Estcourt, J. B. B.
Evans, J.
Ewart, W.
Ferguson, Col.
Ferguson, Sir R. A.
FitzPatrick, rt. hon. J.
Fitzroy, hon. H.
Forster, M.
Fox, W. J.
Freestun, Col.
Geach, C.
Gibson, rt. hon. T. M.
Gladstone, rt. hn. W. E.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grenfell, C. P.
Grenfell, C. W.
Grey, R. W.
Hall, Sir B.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Hayes, Sir E.
Headlam, T. E.
Herbert, rt. hon. S.
Heywood, J.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Howard, hon. C. W. G.
Hutt, W.
Jermyn, Earl
Johnstone, J.
Kershaw, J.
Labouchere, rt. hon. H.
Langston, W. H. P. G.
Legh, G. C.
Lewis, G. C.
Lindsay, hon. Col.
Littleton, hon. E. R.
Locke, J.
Lockhart, A. E.
M'Cullagh, W. T.
M'Gregor, J.
Magan, W. H.
Mangles, R. D.
Martin, J.
Martin, C. W.
Matheson, A.
Matheson, Col.
Melgund, Visct.
Milner, W. M. E.
Mitchell, T. A.
Moffatt, G.
Mostyn, hon. E. M. L.
Murphy, F. S.
O'Connell, M. J.
Ogle, S. C. H.
Osborne, R.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Pechell, Sir G. B.
Pigott, F.
Pilkington, J.
Pinney, W.
Ponsonby, hon. C. F.
Power, Dr.
Price, Sir R.
Pusey, P.
Ricardo, J. L.
Ricardo, O.
Rich, H.
Robartes, T. J. A.
Romilly, Col.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Seymour, Lord
Smith, rt. hon. R. V.
Smith, J. A.
Somers, J. P.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Strickland, Sir G.
Stuart, Lord D.
Stuart, Lord J.
Thompson, Col.
Thornely, T.
Tufnell, rt. hon. H.
Villiers, hon. C.
Wakley, T.
Walmsley, Sir J.
Wawn, J. T.
Westhead, J. P. B.
Willyams, H.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wyvill, M.
Young, Sir J.

TELLERS.
Hayter, W. G.
Hill, Lord M.

Question again proposed.

Mr. DISRAELI: Sir, I am not surprised that the majority of this House resist the discussion of the Motion of my hon. Friend (Sir J. Pakington). They do not want, they do not wish, discussion. The noble Lord at the head of the Government says we are wasting time; but I want to know how an independent Member of Parliament is to bring forward any question, unless he takes some such opportunity. This is no insignificant question. It is one which deeply affects the mercantile classes in this country, and is eminently entitled to the consideration of the House. But, Sir, the First Minister of the Crown gets up and tells us the time of the House is not to be wasted. I protest against the tone of the Minister. I want him to understand that this House has some other duties to perform than to pass Government measures; and though I do not wish to occasion any angry feeling, I think the Government has not taken the proper course, and that my hon. Friend is entitled to have his case brought under the consideration of the House.

The CHANCELLOR OF THE EXCHEQUER thought the time at which the hon. Gentleman (Sir J. Pakington) wished to bring forward his Motion, singularly inopportune. During the whole of the Session they had heard nothing of it, and when the House went into a Committee of Supply, the hon. Gentleman was not in his place. This was not a Bill of Ministers, but a Bill of the House, to which there had been no opposition from beginning to end. He did not think it was fair to ask a postponement now.

LORD JOHN RUSSELL: I did not say the time of the House had been wasted, I said it had been occupied in a fruitless discussion.

MR. HERRIES hoped the House would accede to the wishes of his hon. Friend (Sir J. Pakington).

The CHANCELLOR OF THE EXCHEQUER would suggest that as the hon. Baronet would yet have several other opportunities, before the close of the Session, for bringing forward the case he was anxious to submit to the House, he ought not to press it on the present occasion.

SIR JOHN PAKINGTON said, that in moving the adjournment of the House, which he should now do, it was not his wish to interpose any unnecessary delay, but he did so to have an opportunity of again appealing to the noble Lord at the head of the Government to comply with the request he had made, and to allow the third reading of this Bill to be taken to-morrow, as he (Sir J. Pakington) was anxious to have a debate on his Motion before the Bill should be read a third time.

LORD JOHN RUSSELL said, the Bill had already been delayed a considerable time. and he could not consent to postpone the third reading.

Motion made and Question put, "That this House do now adjourn."

The House *divided*:—Ayes 22; Noes 146: Majority 124.

List of the AYES.

Archdall, Capt. M.
Baldock, E. H.
Bankes, G.
Booth, Sir R. G.
Codrington, Sir W.
Dunne, Col.
Goold, W.
Hamilton, G. A.
Hamilton, J. H.
Knox, Col.
Maxwell, hon. J. P.
Mullings, J. R.
Packe, C. W.
Renton, J. C.
Somerset, Capt.
Spooner, R.
Taylor, Col.
Vyse, R. H. R. H.
Waddington, D.
Williams, T. P.
Willoughby, Sir H.
Young, G. F.

TELLERS.
Grogan, E.
Newdegate, C. N.

Main Question put, and *agreed to*.

Bill read 3°; Clause *added;* Bill *passed*.

METROPOLITAN SEWERS BILL.

Order for Second Reading, read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

VISCOUNT EBRINGTON said, he wished to vindicate himself and the Commissioners from the imputations which had been cast upon them. He could not trespass upon the House at that late hour, but he hoped that on a future stage of the Bill an opportunity would be afforded for the defence of the Commissioners.

CAPTAIN FITZROY said, he thought that the ratepayers of the metropolis had just cause to complain against the Government for the course taken with regard to this Bill. So early in the Session as three months ago he put a question to the Government as to the course they intended to pursue with respect to this Bill; and he had had occasion since so often, in consequence of never being able to obtain a satisfactory answer, to repeat that question, that the matter had much the appearance at length of a personal quarrel between himself and the right hon. Secretary of State for the Home Department. The ratepayers objected to the constitution of the Commission, and complained that their money had been thrown away in the most reckless and extravagant manner. Two years ago he presented a petition from the ratepayers, from which it appeared that three-fifths of the money levied on them had been consumed in the management of the Commission. Why had the noble

Lord (Viscount Ebrington) remained silent during the whole of that time. He dared the noble Lord to disprove his (Captain Fitzroy's) statement. He always suspected that Government would introduce a Bill for continuing the Commission at the end of July, when it would be impossible for the ratepayers of the metropolis to offer effectual opposition to it; and that was precisely the course which had been pursued. The Commissioners showed by their proceedings, that they were ignorant of the first principles of business. Their minutes had been kept without any kind of system, as was shown on a former occasion by the hon. Member for Marylebone (Sir B. Hall); and the only reason which had induced a great number of the ratepayers to pay the extravagant charge which had been imposed on them, was the expectation that the Commission would be brought to a termination at the close of the present Session. Experience for the past and fear of the future may in time deprecate the continuance of these Commissioners. One Clause in the Bill to which there was particular objection was that which saddled the ratepayers with a Chief Commissioner at a salary of 1,000*l.* per annum. The only consolation they derived under the circumstances was from the fact that the Chief Commissioner was not to be a Member of that House, and therefore there was a probability of his being a man of business.

The CHANCELLOR OF THE EXCHEQUER said, that the object of the present Bill was simply to continue the Commission for the shortest possible time, and to do as little as possible. [*Laughter.*] Because there was at this present time a Committee sitting on the Water Supply to the metropolis. His noble Friend (Lord John Russell) a short time ago stated to the House that he hoped the inquiry now being carried on before Committee on the Supply of Water to the metropolis, might lead to some arrangement with respect both to the water and the sewers, which would be much more satisfactory to the inhabitants of this metropolis. Looking to the possibility of such an arrangement proceeding from that Committee, his right hon. Friend the Secretary of State for the Home Department thought it advisable to postpone the introduction of a Bill on the subject, in order to see what the Committee would recommend. The right hon. Gentleman the Chairman of that Committee (Sir J. Graham), however, having stated that there was no probability of the Committee reporting before the end of the Session, the Government had thought it right to bring in a Bill continuing the present Commission for one year only, in order to leave it open to them to introduce any change they might think necessary in the system of administration in the course of another year, and in the meantime making such amendments in the constitution of the board as would make it work a great deal better. The principal amendment proposed by this Bill was to give power to appoint a paid Chairman who was not to be a Member of Parliament, and upon whom it would be obligatory to attend all the meetings of the board, which, he thought, would be a great improvement. He hoped, therefore, the House would agree to the second reading of the Bill now, and go into Committee on Monday.

SIR BENJAMIN HALL said, he could allow nothing of the sort. This Commission was the most objectionable that was ever propounded by the Government. Wishing to have some discussion upon it, he would object to taking the second reading at half-past two o'clock in the morning.

Motion made, and Question proposed, "That the Debate be now adjourned."

LORD DUDLEY STUART said, that the Government were guilty of the most impudent attempt to smuggle the Bill through Parliament at that hour of the morning, and he felt certain that the attempt had been made with malice prepense.

MR. WAKLEY said, that the right hon. Gentleman the Chancellor of the Exchequer talked of the Bill doing as little as possible. Did he consider it doing little to continue for another year a public nuisance? For it was a nuisance affecting the whole metropolis. The fact was, that the public wished the Commissioners were at the bottom of their own sewers.

VISCOUNT EBRINGTON said, it would be in the recollection of the House, that he had over and over again challenged hon. Members to bring forward this question in a form in which it might be fully discussed. He repeated that challenge now, and would be ready to meet his accusers whenever the House gave him an opportunity.

Motion, by leave, *withdrawn;* — Main Question put, and *agreed to;*—Bill read 2°, and *committed* for *Tuesday* next.

The House adjourned at a quarter before Three o'clock.

HOUSE OF LORDS,

Friday, July 25, 1851.

MINUTES.] PUBLIC BILLS.—1ª Militia Pay; Soap Duties; General Board of Health (No. 2); Inverness Bridge (No. 2).

2ª Copyhold, Inclosure, and Tithe Commissions; Commons Inclosure (No. 2); Episcopal and Capitular Estates Management (No. 2); Charitable Institutions Notices; Local Acts (Preliminary Inquiries).

Reported.—Tithe Rentcharge Assessment; Public Works (Ireland); Stock in Trade; Victoria Park; Unlawful Oaths (Ireland); Turnpike Roads (Ireland); Private Lunatic Asylums (Ireland); Ecclesiastical Titles Assumption.

3ª Chief Justices Salaries; Woods, Forests, &c.; General Board of Health.

ECCLESIASTICAL TITLES ASSUMPTION BILL.

Order of the Day for the House to be put into Committee read.

LORD MONTEAGLE said, that in consequence of the extreme difficulty which he and others had experienced in obtaining information from the Government respecting the true meaning and legal effect of their Bill, he had felt it to be his duty to print certain questions to which he had a right to ask for precise replies from the woolsack. Before he moved his Instruction, he would therefore beg leave, without any preliminary observations, to put to the Lord Chancellor the four questions of which he had given notice. The noble Lord then read the following Questions from the Notice Paper:—

"1. If a Roman Catholic diocese bears the same title and is conterminous and identical with a diocese in the Established Church, is such Roman Catholic diocese 'a pretended diocese' under Section 1 of the Ecclesiastical Titles Assumption Bill? Is the Papal instrument appointing to such diocese illegal and void under such Bill? And is the jurisdiction, authority, pre-eminence or title conferred or proposed to be conferred by such appointment unlawful and void under such Bill?

"2. If a Roman Catholic diocese bears the same title with a diocese in the Established Church, but is not conterminous or identical therewith, is such Roman Catholic diocese 'a pretended diocese' under Section 1 of the Ecclesiastical Titles Assumption Bill? Is the Papal instrument appointing, or purporting to appoint, to such diocese unlawful and void under such Bill? And is the jurisdiction, authority, pre-eminence, or title unlawful and void under such Bill?

"3. If a Roman Catholic diocese neither bears the same title nor is conterminous with any diocese of the Established Church, is this a 'pretended diocese' under Section 1 of the Ecclesiastical Titles Assumption Bill? Is the Papal instrument appointing, or purporting to appoint, to such diocese unlawful and void under such Bill? And is the jurisdiction, authority, pre-eminence, or title unlawful and void likewise under the said Bill?

"4. Is the appointment of a Vicar-Apostolic in England or Ireland, under the authority of any Papal Rescript, Letters Apostolic, or other instrument from the Roman See, rendered illegal and void under the 16th Richard II., coupled with the declaratory and enacting provisions of the Ecclesiastical Titles Assumption Bill? Or is the person acting, or claiming to act, under such instrument, or appointment, subject to any penalty or prohibition under the Ecclesiastical Titles Assumption Bill?"

The LORD CHANCELLOR said that, with respect to the first of these Questions, he had only to reply, that it had long since been disposed of by the Act of the 10th of George IV. With respect to the 2nd and 3rd Questions, the Bill was declaratory that the Papal Briefs and instruments were unlawful and void, and of course all acts emanating from and published under such instruments would follow the same rule. He apprehended that new dioceses, &c., constituted under new names and new limits, would also be considered unlawful and void. With regard to the 4th Question, respecting the appointment of Vicars Apostolic in England or Ireland, he had only to answer that the right to the free exercise of the Roman Catholic religion had been allowed and recognised over and over again by Parliament, and that such exercise in the usual and ordinary mode would not therefore be illegal under the 16th of Richard II., nor would any regulation in this Bill interfere with it. That was the answer which he had to give to the Questions in the abstract. Much, however, must depend on time and circumstances, much on the occasion and form of the documents. So far as regarded the documents referred to in this Bill, it was declared that such documents were unlawful, and all instruments in the same category would be subject to the same rule. The present Bill made no alteration in the law, but was only declaratory of it. As to a fifth question, of which he had only received notice from his noble Friend an hour ago, namely, whether, after certain Briefs had been declared unlawful and void, the parties endeavouring to carry the same into effect would be guilty of a misdemeanour, he had only to say that this Bill would make no alteration in the law in that respect. In that respect, whatever was the effect of the statute of Richard II. would remain unaltered.

LORD MONTEAGLE said, he was still left in some doubt as to the meaning of the

Bill, even after the explanation just given by his noble and learned Friend on the woolsack. The oracle, it was true, had spoken, but it was in some respects as obscure as if, like Friar Bacon's brazen head, it had only pronounced "Time was, time is, and time will be." It was as full of double meaning as its Grecian predecessor, which had declared *Aio te Æacidæ Romanos vincere posse*. However, he had extracted enough for his purpose from that answer. He understood his noble and learned Friend to decide that the dioceses described in the first question came under the penalties of the 10th George IV. only, as being "real," whilst the districts described under the 2nd and 3rd question were "pretended" dioceses, and came under the operation of the Bill now before their Lordships. The noble Lord then moved—

"That it be an Instruction to the Committee of the whole House on the Ecclesiastical Titles Assumption Bill, to insert a clause to exempt Ireland from the operation of the said Bill;"

and said, that if he did not think the Motion of which he had given notice to be of the first importance, he would not have pressed it on the attention of their Lordships. He could have wished that the whole question had been argued as a political one. Much extraneous and irritating matter would have been excluded. He did, indeed, deeply lament that any religious feeling should have been mixed up with this question—for he had always wished that it should have been exclusively considered as a mixed question of law municipal and international, and of general policy. He considered that the question whether the Synod of Thurles was unlawful or not, or whether the resolutions of that assembly were creditable or mischievous, had nothing to do with the measure before the House, though so much had been made of that argument by many noble Lords. He would only say, in passing, that he had no great confidence in any such synodical meetings, whether held at Thurles or at Exeter. Indeed he might refer their Lordships to high ecclesiastical authority in support of this opinion. Neither did the existence of monasteries, or of the regular orders, bear on the question. None of these establishments were affected by the Bill, and they were only introduced to cast obloquy on the class against whom we were called on to legislate. He was aware that it had been made an objection to his Instruction that it would create a difference between the branches of the United Church in England and in Ireland. If it did so, which however he would not admit, it was not open to any greater objection, in this respect, than was a recent correspondence between the Bishops of the Established Church in Ireland, and the Archbishop of Canterbury. The Irish Bishops had sent a letter to the Archbishop of Canterbury complaining that they had not been asked to join in the Address presented to the Crown by the Bishops of the Established Church in England protesting against the Papal Bull; they claimed the right to do so as Bishops of the Established Church. The Archbishop of Canterbury replied that as the offence—or, to speak more correctly, as the Papal Bull or Rescript, which constituted the offence—was directed against England alone, he did not see any logical reason why the Irish Bishops should have been asked to join in remonstrance. He alluded to this matter because the distinction implied in his Instruction, and objected to by some, was the very distinction most truly and wisely drawn by the Archbishop of Canterbury himself. Would that Her Majesty's Government had adhered to this principle, a forgetfulness of which had involved us in the unfortunate course of legislation which had already produced so much of evil. After this distinction had been laid down, and laid down by the Primate of England, he called upon their Lordships to explain, or, if they could, to justify, the extension of penal legislation to his Roman Catholic countrymen in Ireland, men who were neither authors nor abettors of the Papal Bull, and who, in respect to this transaction, had not committed any offence whatever against the Established Church or the State? He therefore contended that this penal legislation ought not to be extended beyond that part of the empire in which the offence was committed. But, independently of this objection, which rested on the grounds of justice, he ventured to assert that it was neither legally nor historically true that the two Churches had been identical in law and Government, or had been treated by the Legislature in the same manner, in early or in later times. Ireland stood in a very peculiar position in reference to all religious questions. In ancient times the Church of Ireland was of all Christian Churches the most free from the control of the Pope. A married clergy, the communion in both kinds, bishops appointed by domestic nomination, distinguished Ireland from England under the Norman and Plantagenet kings. But Henry II. came to the throne, and Adrian Breakspear succeeded to the tiara. What then happened? The political ambition of an English King, combined with the ecclesiastical pretensions of the only English Pope ever elected—the ambition, he said, of an English King and of an English Pope introduced the ultramontane Popery of England into Ireland, and introduced it at the sacrifice of the freedom of the ancient Catholic Church of Ireland. It was to Henry and to Adrian we traced the subserviency of Ireland to the rule of Rome, which, up to that time, had never been admitted in any manner inconsistent with the liberties of the Irish Church. From the time of the Reformation, however, England, which had compelled Ireland to become Papal, punished and persecuted her for being so. Such was the origin of that mischief, the remote consequences of which we were now experiencing. It is a mistake to imagine that by the Reformation the two Protestant Churches were made one and the same. So far were the Protestant Churches of England and Ireland from being identical, that at various times they differed in articles, canons, discipline, and church government. It may, perhaps, be said that the Union cured all. But this was not so; for even at this day the Episcopacy was moulded after a different fashion. In Ireland, bishops were created by letters patent, which was not the case in England. All Irish bishops did not, like the English, take their seats in the Legislature; they attended in rotation only. The Legislature had frequently in our own times dealt with the Irish Church in a manner which marked the wide distinction existing between it and the Church of England: the Irish Tithes Bill and Church Temporalities Bill, the reduction of ten bishoprics, the abolition of church rates—had modified the position of that Church in a manner which marked its distinctness. Convocations could not be held legally in Ireland, though in England the form was still preserved, and the importance of that form was highly estimated by many. The constitution of the Ecclesiastical Courts was wholly different. The Court of Delegates was still maintained in Ireland, greatly to the edification of those, he presumed, who rejected the judicial Committee of Council as an Erastian and lay tribunal. In fact, the two Churches stood, in many particulars, in contrast rather than in conformity with each other; in contrast rather than in union, except in faith and doctrine, in which he hoped their identity would be eternal. Every investigation would prove that neither historically nor legally had the circumstances of the Church of England and those of the Church of England in Ireland been the same; and he was prepared to prove, before he sat down, that even in the Roman Catholic Church there was an important difference between the Roman Catholic Church in Ireland and in England, rendering it absolutely necessary that each should be dealt with in a different manner, and that to include them in this Bill would be the height of absurdity as well as of injustice. The Irish Roman Catholic Bishops constituted an ancient hierarchy, existing before the Reformation; the latter was the creation of the Pope within the last few months. The Pope sought to confer no ecclesiastical dignity in Ireland which had not been enjoyed for centuries; while the establishment of a hierarchy in England was an aggression (the word now used), or at least it was a novelty unsanctioned by usage, and unauthorised by the State. He had never justified the Rescript of September, 1850. He objected to it, as inconsistent with the common law of Europe; and he would not cease so to condemn it, till some precedent were produced to warrant a creation of dioceses in Europe by the sole authority of the Pope, without the previous consent of the State, whether that State was Catholic, schismatic, or heretical. But because Cardinal Wiseman, the Pope's nominee, as an archbishop in England, had made an aggression upon the Church of England, was that any reason why the Protestant feeling of this country should be excited to commit an aggression on the Roman Catholic Church in Ireland, which, under other circumstances, would not have been dreamt of? The bishops of the Church of Rome were bound to exercise certain ecclesiastical acts in their character of bishops of the diocese to which they were appointed; and these acts must be authenticated by their ecclesiastical titles. His noble Friend the Postmaster General, in his speech the other night, had absolutely denied that the Roman Catholic bishops were in the habit of affixing the names of their sees to ecclesiastical documents, and his noble Friend had said that they signed by their Christian and surnames only. He was wholly in error. There had been, it is true, no ostentatious use of their titles. He held in his hand proceedings of the Prelates from 1815 to 1851, in which, with one single exception, the names used had been the family names of the bishops. But were we quite certain that, after the excitement of the present Bill, the same prudent reserve would be maintained? Acts purely ecclesiastical, required an ecclesiastical signature, and were so signed. He (Lord Monteagle) would join issue with his noble Friend on this point, and in confirmation of his opinion would state that he had that day seen an episcopal document of the Most Rev. Archbishop Murray, signed "*Archiepiscopus Dubliniensis;*" and he had been informed that the document would not have been valid had it been signed in any other form. He would go further, and assert that every single appointment of a priest to a parish required to be so signed. Collations were acts of jurisdiction, not of order; and if made as by law and usage they could alone be made, they would hereafter bring the parties under the penalties of this Bill, and the act would be made unlawful and void. Even during the severities of the penal code, these forms of ecclesiastical jurisdiction had been adhered to. He held in his hand a certificate dated in 1732, which, whilst it proved the practice, also recalled a system which he was sure the framers of the Bill would be the last to wish to revive. It was as follows:—

> "In quorum omnium et singulorum fidem, has dedimus proprio chirographo et sigillo munitas in loco nostri refugii, hac die secunda Decembris 1732.
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> "Bernardus Archiepiscopi Tuamensis,
> Consociæ Primas.
> "Fr. Thadæus Francis, Epis. Aladensis.
> "Fr. Petrus, Epis. Ardaghensis."

The Roman Catholic bishops of Ireland had been fully recognised at various times as such, in their episcopal character, and by various Governments. In a work recently published, and edited by the noble Lord now at the head of the Government, it was stated that when a former Duke of Bedford was Viceroy of Ireland, in 1757, he fully recognised the existence of Roman Catholic bishops in Ireland; and there was a lamentable contrast between the prefatory remarks of the Editor of the *Bedford Correspondence*, and the present unfortunate Bill, the epigrammatic point of which was made more striking when their Lordships were informed that the Duke of Bedford's fellow-labourer in the cause of liberality in 1757, the Peer who made a proposal for relaxing the penal code, bore the title of Lord Clanbrassill. The observations of Lord John Russell were deserving of note:—

> "Even before the Duke of Bedford's acceptance of the lieutenancy, he had openly avowed that he should not govern on narrow principles of intolerance and exclusion. These sentiments were so acceptable to the Roman Catholics, that ten days after his appointment, exhortations to tranquillity were read from the altars in the Catholic chapels of Dublin, in which the hope that had been held out to them of a mitigation of the penal code, by some honourable persons, was noticed, and the blessing of Heaven invoked in favour of so generous a design."

These prayers for the liberal Lord Lieutenant could hardly have been directed by an authority less than that of the Roman Catholic Archbishop of Dublin! This recognition of the Roman Catholic bishops and priests by the Government took place at a time when their existence was penal. The Roman Catholic Bishop of Cloyne, with the knowledge of the Government, issued a pastoral letter to his clergy in 1762 requiring them to use their influence as pastors, and to proceed with spiritual censures against the disturbers of the public peace. Dr. Troy, when Roman Catholic Bishop of Ossory in 1779, caused an excommunication of the Whiteboys to be read in all his chapels. Five years later, he circulated a pastoral letter against the Whiteboys, for which he received the formal thanks of the Lord Lieutenant, communicated to him through the hands of the Secretary. From the Report of the House of Commons on the state of the Queen's County in 1832 (*Sessional Papers*, No. 116), it appeared that Bishop Doyle had, as bishop, issued to the clergy and people of Kildare and Leighlin a pastoral instruction, in which he informed them, that whoever should abet or encourage the disturbers of the peace would make himself "a partner in their guilt, and a participator in their crimes." This pastoral letter was reprinted at the Government expense, and circulated through the police. Nor was it merely in questions of crime, in which moral and religious as well as political considerations were intermixed, that the Government of the day freely recognised the existence and employed the agency of the Roman Catholic hierarchy. They profited politically by their services on the great question of the Union, and through their influence the co-operation of the Roman Catholics was secured, without which, it is clear, the Union could not have been carried. In

Lord Castlereagh's *Correspondence*, published by the present Marquess of Londonderry, these proceedings are forcibly described. From a letter dated July 9, 1799, and written by Dr. Dillon, Roman Catholic Archbishop of Tuam, to Archbishop Troy—and which begins "Most Reverend and dear Sir"—the writer desires that his name should be subscribed to the Resolutions in favour of the Union, adding that his "Vicar General and Dean had already signed." Archbishop Troy transmits this letter to Lord Castlereagh's private Secretary, using these remarkable words:—

> "I inclose a letter from my Most Reverend *confrère* of Tuam. I have not been inattentive to Lord Castlereagh's commission. You are now authorised to affix Dr. Dillon's signature thus: E. DILLON, D.D., *Roman Catholic Archbishop of Tuam.*"

This he (Lord Monteagle) considered most material; for here was the Secretary of the Lord Lieutenant, Lord Castlereagh himself, becoming the instrument in affixing an ecclesiastical title, which, as derived from a Rescript or Letter Apostolical from the Pope, would under the present Bill be declared "unlawful and void." In the same publication there is also a letter from Dr. Moylan, the late excellent Roman Catholic Bishop of Cork, to Sir J. C. Hippesley, which was forwarded to the Irish Government. In this letter Dr. Moylan states—

> "The Roman Catholics are avowedly for the Union. The provision intended for the Roman Catholic clergy is a measure worthy of an enlightened Government. I have many obligations to Lord Castlereagh, who has been uncommonly civil to me. Give my respectful salutes to the Duke of Portland; I can never forget his polite attention to me."

This connexion between the Roman Catholics and the British, as well as the Irish Cabinet, is also shown in a letter from Archbishop Troy to Sir J. C. Hippesley (9th February, 1799):—

> "Previous to the separation of my brethren, (that is, of the Roman Catholic prelates,) certain preliminary points were agreed on, and submitted by me to Lord Castlereagh, who expressed his approbation of them, and probably sent them to the Duke of Portland. They are not to be made public till the business be concluded. Meanwhile, Dr. O'Reilly of Armagh, and Plunket of Meath, in conjunction with me, are authorised by our brethren to treat with Lord Castlereagh on the subject whenever he thinks proper to renew it."

So their Lordships will have seen that, notwithstanding the 16th Richard II., and Lalor's case, the Roman Catholic prelates were known, acknowledged, and trusted by the Duke of Portland's Government, and by Lords Cornwallis and Castlereagh, who relied upon their assistance and agency in the most arduous affairs of State. They went, however, still further. As there was nothing too great, so there was scarcely anything too small for which the aid of these invaluable auxiliaries was not sought by the Government. They seem to have realised the description given by a philosopher of the uses made of the trunk of the elephant, either to launch a ship, or to pick up a sixpence. During the Union struggles, Sir John Parnell differed from his Colleagues, and lost his office as Chancellor of the Exchequer. He was succeeded by Mr. Isaac Corry, who had to face a popular constituency at Newry, labouring under the double disadvantage of being an unionist, and displacing a patriot. His seat was in danger. In his borough the Roman Catholics were numerous. Archbishop Troy was again called into the field, and with what success, will appear from the following letter. The Rev. Dr. Lennon, a Roman Catholic clergyman, gives to the Archbishop the following account of the election:—

> "Newry, 7th February, 1799.
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> "My dear Lord—I have the pleasure to inform you that your friend, Mr. Corry, was this day re-elected for Newry. The Catholics stuck together like the Macedonian phalanx, and with ease were able to turn the scale in favour of the Chancellor of the Exchequer. He is very sensible of the efficacy of your interference, and their steadiness. No one but Mr. Corry knows that you wrote to me."

Their Lordships should, however, remember that the deposit of these letters among the papers of Lord Castlereagh, is conclusive evidence of the knowledge which the Chief Secretary had of the means taken to secure the return of his Colleague. Such was the mode in which, for nearly a century, the Roman Catholic bishops were dealt with, and confided in, by the British and the Irish Governments; and how must it be felt if the same order of prelates are now, for Ministerial convenience, subjected to penal legislation? How would the question be answered by Ireland, if the Imperial Government, after recognising the Roman Catholic bishops of Ireland year after year, from the year of the accession of the Duke of Bedford to the Viceroyalty of Ireland in 1757, down to the present time, should now suddenly turn round, and, without any cause or justification, declare, "Because the Archbishop of Westminster has committed an offence against the Established Church in England, we will in return inflict a punishment upon the Roman Catholic Archbishop of Dublin?"

But the Government justified the extension of this to Ireland on the ground that the Apostolical Letters were issued in derogation to the Queen's supremacy; that Her Majesty's supremacy extended to Ireland; and that its vindication should be co-extensive with the supremacy. The Queen's peace is at least as important, and perhaps somewhat more intelligible than the Queen's supremacy. Yet, if martial law were proclaimed in Sussex, in consequence of an invasion, or if the Insurrection Act were required in Tipperary, that would furnish no reason for extending either measure beyond the district where it was demanded by circumstances. He remembered, indeed, an anecdote told by Sir Walter Scott, of a Highland chief who, having occasion to hang a delinquent at one side of his castle gate, strung up another on the opposite side "for the sake of uniformity." Uniformity would, in the present instance, be apparent, not real. In undertaking to demonstrate this, he must approach a part of the subject hitherto untouched, and of the greatest importance. He would venture to tell his noble Friend opposite that he would find in the practical working of this Bill, if it were ever enforced, elements of evil, of which their Lordships were not aware. Their Lordships knew it not: they were walking in the dark; but their feet were on the very verge of a precipice. To make this point plain, he must advert to the alteration lucklessly made in this Bill since its first introduction into Parliament. The first alteration to which the Government reluctantly assented, and that on division, and after two successive defeats, was to make the Bill apply more stringently to Ireland; the next was by declaratory words to revive the statute of the 16th of Richard II. The words of the learned Gentleman who had been the successful competitor with the First Lord of the Treasury in his career of penal legislation, were as follows, and they best explained his intentions:—

> "He proposed to include all Rescripts and Briefs, and to make all Briefs and Rescripts sent into Ireland illegal equally. Why not let the country know that the Act of Richard II. was not to be considered an obsolete Act now? A few words would be proposed which would give that law a voice at the present time, substituting for the mysterious penalties of *præmunire* on the introduction of these Briefs, the penalties declared sufficient to meet the exigency. The 16th Richard II. provided against bringing in bulls into this realm, or making notification of them, or any other execution whatever."

The learned Gentleman did not say distinctly, that by the amended Bill not only were these bulls prohibited, but all acts, jurisdictions, titles, done or created, in consequence of such bulls, were declared unlawful and void; yet this, too, was done. The most indispensable ecclesiastical acts come under this enactment. Who could undertake to assign limits to its possible consequences? No acts committed by the Popes, in the middle ages, had been more bitterly complained of, by the writers on the history of Europe, than those by which England and other independent States were laid under interdict: he was sorry to say that by this Bill we were ourselves, for the first time, about to place the whole of Ireland under a statutable interdict. If we rendered past episcopal appointments "unlawful and void," if we made the appointment of priests by bishops unlawful likewise, how could the functions of an hierarchical Church be performed? Here was his first fatal objection to this Bill, as dealing with the ancient Roman Catholic hierarchy of Ireland. In England, where the offensive Rescript had been applied, where the Pope had ventured to form new dioceses, and to create new jurisdictions, the operation of the Bill would not be so severe, or so stringent, as in Ireland, where the Pope's bull did not apply. This statement might startle their Lordships; but he would undertake to prove it. Cardinal Wiseman did not in any degree derive his episcopal character and orders from the instrument which purported to name him Archbishop of Westminster — that Papal instrument which the present Bill declared to be void and unlawful. He had been made a lawful bishop many years before, and still continued to be so. The Cardinal's episcopal station remains unaffected by our legislation; but the appointment of the Bishop of Kerry, as *Episcopus Kerriensis*, was at once an appointment to the bishopric, and the authority to the subsequent consecration. The Bill declares that instrument of appointment to be unlawful and void, together with all powers, jurisdictions, titles, &c., consequent thereto. In Ireland, the same instrument which created the bishoprics, also created the bishops; and if therefore Parliament invalidated the appointment, not only did it invalidate the territorial bishoprics, but the episcopal character of the bishops—it restrained the exercise of their episcopal functions, so far as Acts of Parliament had the power to restrain them; it checked all ordination of priests, all collation to benefices, all consecration of places of worship, and all confirmation of the young. Was Parliament justified in inflicting such a penalty on the clergy or laity of Ireland, who had taken no part in this Rescript? Had the attention of the Government been called to those circumstances? The espiscopal character of Cardinal Wiseman is preserved, that of the Bishop of Kerry is destroyed so far as secular law has power to destroy it. He, therefore, again would ask, whether this strange result had been in the contemplation of the Government, or whether they could now defend or justify it? Thus he had proved that an unequal operation must attend this law, in England and in Ireland. The same unjust inequality could also be proved to exist in different parts of Ireland. Before he entered into this argument he must refer to the questions which he had put to his noble and learned Friend the Lord Chancellor. The proposition he was now prepared to establish, was connected with those questions. He had asked, "If a Roman Catholic diocese bears the same title, and is conterminous and identical with a diocese in the Established Church, is such Roman Catholic diocese 'a pretended diocese' under Section 1 of the Ecclesiastical Titles Bill? Is the Papal instrument appointing to such diocese illegal and void under such Bill; and is the jurisdiction, authority, pre-eminence, or title, conferred, or proposed to be conferred, by such appointment unlawful and void under such Bill?" As well as he could understand the answer which he had received from his noble and learned Friend, it amounted to this, that such diocese would come under the 10 George IV. only, it being a "real" and not a "pretended diocese." [The LORD CHANCELLOR assented.] He (Lord Monteagle) had next questioned his learned Friend as to dioceses which were not conterminous in boundary or identical in area. He had asked, "If a Roman Catholic diocese is not conterminous or identical with a diocese of the Established Church, is such Roman Catholic diocese 'a pretended diocese' under Section 1 of the Ecclesiastical Titles Assumption Bill? Is the Papal instrument appointing, or purporting to appoint, to such diocese unlawful and void under such Bill; and is the jurisdiction, authority, pre-eminence, or title, unlawful and void under such Bill?" "Those dioceses," replied his noble and learned Friend, "are pretended dioceses, and come under the penalties of the present Bill." The noble and learned Lord had also said that all Roman Catholic dioceses which, whether bearing other or the same names as the existing dioceses in Ireland, were not conterminous with dioceses of the Established Church, were "pretended sees." If that were so, the penalties of this measure would apply most capriciously in Ireland; they would act differently in different cases, according to the accident of geographical limits, without any relation whatever to the character of the imputed offence. The 10 Geo. IV. would govern the "real," this Bill the "pretended" dioceses, and the greater penalty would await what must be considered as the lesser offence. Now, this will at once throw the law, and Ireland, into confusion. Archbishop Murray was asked by the Committee of the Lords, in 1824, "Are the circumscriptions of the Roman Catholic dioceses the same as those of the Established Church?" His answer was short, but conclusive. "They are not the same." He (Lord Monteagle) had carried the inquiry further. He found it stated in the Report on Public Instruction, 1835, "That the ecclesiastical division of parishes is not identical with the civil division of parishes; and in the Roman Catholic Church a parochical division is adopted totally distinct either from the ecclesiastical or civil." Hence in very many cases the Roman Catholic dioceses, which are formed of an aggregate of parishes, the dioceses of the Roman Catholic Church, are not conterminous with the real dioceses. Such is the case with Kerry, Meath, Kilmore, Ardagh, Ross, Galway. In these, and in all similar cases, the penalties of the present Bill would apply. In other dioceses being identical with the established sees, and therefore, not to be considered as "pretended," but "real," the penalties of this Bill would have no effect, and parties would be subject to the penalties of the Relief Act only (10 Geo. IV.); no common informer could in such case sue for the 100*l*., and the declaration of the invalidity and unlawfulness of the prohibited Acts would have no operation. He now asked their Lordships whether the law of this country or of any other ever exhibited such a contradiction, and such an anomaly in legislation? Where did such another legal monstrosity exist? Where had it ever existed? He must once more press his question, and ask on what authority this Bill was framed so as to include Ireland. He understood the Lord Lieutenant of Ireland was come over. He wished that he was present to give him some reply. The people of Ireland had seen with deep concern that the noble Earl had given his proxy in favour of this Bill; but he thought their Lordships were entitled to have the opinion of that noble Earl, given either in the constitutional form of despatches laid on the table, by Her Majesty's command, or by his presence in that House, which would be still more satisfactory. If they were deprived of the Lord Lieutenant's testimony in one way or the other, it would be a signal instance of indifference to the interests of Ireland, and of want of due respect to their Lordships. He was glad to have his noble and learned Friend (the Lord Chancellor) present, and would call his attention to one further question—the law declared and enacted that the specified Briefs were unlawful and void. He wished, then, to know whether all persons who acted under such briefs, and carried them into effect, were not indictable for having joined in an unlawful act, and, if so indictable, whether any person might not prosecute, as of common right, without asking the consent of the Attorney General, which was only made requisite in case of proceeding for the 100*l.* penalty? If so, the most fearful confusion would ensue.

The LORD CHANCELLOR observed, that all acts done by a bishop, by virtue of his spiritual office, would be perfectly lawful.

LORD MONTEAGLE: The noble and learned Lord begged the question, by assuming that all the acts in question were spiritual acts. This was not the case—not even the act of consecration would proceed except as founded upon one of these Briefs, which the Act declared both unlawful and void. The first question put to a bishop-elect, prior to his consecration, was—*Habetis mandatum apostolicum?* The letter must be produced. The command was then given *Legatur*. The letters were read before the ceremony of consecration could be proceeded with. This Bill declared illegal and void all rescripts, letters apostolic, &c., proceeding from Rome; and he (Lord Monteagle) feared that he was justified in coming to the conclusion that any act performed by virtue of such rescripts, &c., would be henceforward illegal and void, and that parties carrying into effect such illegal acts would be guilty of a misdemeanour. He had, indeed, in his possession an opinion given him by a learned Friend, in which it is stated, "That the assemblies for the ceremony of creating the Bishop, the demand for the *mandatum apostolicum,* its production, the reading of it, &c., are cogent evidence of a conspiracy to publish and put in use such an instrument, and as such, like any other conspiracy to do any unlawful act, would be subject to indictment." There was yet one other question which he wished to put to the noble and learned Lord. He wished to know whether the appointment of vicars-apostolical would be illegal after this Bill had passed. He could not but recollect that, whilst another learned Lord (Lord Lyndhurst) spoke lightly of Lalor's case, its authority as a decision was stoutly maintained by the Lord Chancellor. But that proceeding was instituted against Lalor for acting as vicar-apostolic, not as bishop. Now if this was to be the state of the law, what must follow? Under the Relief Act it was made penal to assume the title of any real see; under this Bill it was prohibited to take the title of a pretended see; and all acts done under the Papal appointment were made unlawful and void. If, in addition to this, the authority of Lalor's case is made conclusive, as stated by the noble and learned Lord, and the appointment of vicars-apostolic is also made penal, how would the Roman Catholic religion be carried on? Her Majesty had been graciously pleased to say that She would preserve unimpaired the religious liberty of Her subjects; but, notwithstanding that declaration, Her Majesty's Ministers had brought in a Bill which, on the supposition he had stated, would strike a fatal blow at the whole Roman Catholic hierarchy of Ireland, the priests and the laity. Upon these grounds, and with the view to avert such pressing danger, he prayed their Lordships to agree to the Motion with which he should conclude—

> "That it be an Instruction to the Committee of the whole House on the Ecclesiastical Titles Assumption Bill to insert a clause to exempt Ireland from the operation of the said Bill."

The LORD CHANCELLOR said, that after the debate on the second reading, he did not expect that he should be called upon to state his opinions *seriatim* as to the effects of the measure; but as he had troubled the House the other night on the general question at such great length, he should now confine himself to the observations and questions of his noble "and learned" Friend; and he believed his answers would be consistent with every Catholic and every Protestant book on the subject. In the first place, he would observe that there was a great difference between the order of a bishop and the jurisdiction of a bishop—a difference which ought not to have escaped the attention of the noble Lord, seeing that it was clearly pointed out in Catholic and Protestant treatises upon the episcopal order. A person might exercise episcopal jurisdiction if that character were attached to him by competent authorities; but until he was consecrated bishop, by the imposition of hands, he could not perform spiritual functions, and those functions he might perform quite independently of his possessing territorial jurisdiction. The two offices were quite distinct. The holy character or sacerdotal functions, therefore, of a bishop, would not be interfered with in any way by this Bill. Every spiritual function which Catholic bishops had hitherto exercised, or might hereafter exercise, would be completely available, and unimpeached by this Bill. A noble Friend of his had intimated that if this Bill were passed, marriages and other acts performed by Roman Catholic bishops and priests would be illegal; but he (the Lord Chancellor) denied that the Bill would have any such effect. The character of "bishop" was that which gave the authority to do the acts which he performed, and that function would remain entire to all intents and purposes. On a former night he came down with his books, dog-eared and doubled down, for the purpose of answering any question that might be put to him in reference to the probable operation of the Bill; but he was not now so prepared, because he did not expect that at this stage he should be questioned as he had been by the noble Lord. He had, however, brought with him one book, written by an eminent Catholic, a professor at Geneva, from which he would read this extract: "Bishops *in partibus* can perform episcopal functions as well as bishops in ordinary, but they cannot perform such episcopal duties as are attached exclusively to any particular diocese under the jurisdiction of another bishop." The Roman Catholic bishops in this country, therefore, after the passing of this Act would be fully competent to perform every spiritual duty which might devolve upon a bishop of the Church of Rome. The noble Lord (Lord Monteagle) had asked whether if the Pope should appoint bishops under similar titles and with precisely similar limits of territorial jurisdiction as were now vested by the Crown in the bishops of the Established Church in this country, were the sees so constituted pretended sees? His answer was, "No;" but, of course, such appointments by the Pope would be the imposition of unauthorised authorities unknown to these sees. The next question was, supposing, instead of appointing a bishop to a diocese created by the Crown, the Pope chose to erect, or to attempt to erect, a bishopric bearing the same title with a diocese in the Established Church, but which was not conterminous or identical therewith, was such a Roman Catholic diocese a "pretended diocese" under this Bill? He (the Lord Chancellor) said it would be a pretended see. Another question was, whether the appointment of a vicar-apostolic, by rescript or other Papal instruments, would be illegal under this Bill? His answer to that question was, this Bill had nothing to do with the appointment of vicars-apostolic; it related simply to documents issued by the Pope creating archbishops, bishops, and deans with titles taken from districts in this country. Another question which had been put to him was this—would a person accepting briefs, rescripts, or letters-apostolic from the Pope, which this Bill declared to be unlawful and void, be guilty of a misdemeanour? His answer was, that when an act was declared by the statutes to be unlawful and void, it did not necessarily follow that the commission of it constituted an indictable offence. A deed, for instance, might be executed in a manner which would render it void, but the parties executing such a void act would not be liable to an indictment. They must not, therefore, content themselves with finding that an act was unlawful and void, they must also see in what respect it was unlawful—whether its commission constituted an offence; and it was probably unnecessary to remind the noble Lord that when an offence was created by statute, if no punishment were attached to it, it was a misdemeanour. It had been said by a noble Earl (the Earl of St. Germans) that he (the Lord Chancellor) had made the other night a "No-Popery speech." He believed that he had made more sacrifices than that noble Earl had ever made in the cause of the Roman Catholics. He had kept up a most expensive and laborious contest at Newark as the advocate of the Catholic claims; and he defied any man to be a warmer friend to religious liberty than he was. The noble Earl had alluded to an expression which he (the Lord Chancellor) had used elsewhere. He was sorry that he used it, for he never intended to offer the slightest disrespect to any clergyman or any individual whatever. But the words had been quoted in that instance, as in too many others, apart from the context. When he alluded to the Cardinal's hat, it was in connexion with that hat being used in derogation of the rights and prerogative of the Crown. He was a sincere friend of religious liberty, and when he had mentioned the names of those great men who were the sincerest lovers of religious liberty, the noble Earl had said, "Do not go into and use the common-places of religious liberty." He (the Lord Chancellor) hoped that their Lordships would not be led away by the cant of religious liberty. He trusted that they would give to their brethren of the Roman Catholic faith the fullest enjoyment of all their religious rights; but he hoped they would, at the same time, take care that those rights should not be allowed to advance, so as to molest our own.

LORD CAMOYS said, that he should support the Instruction which had been moved by the noble Lord opposite (Lord Monteagle). He was not able to vote for the second reading of this Bill, because it contained a principle fraught with the greatest injustice to Ireland; but, on the other hand, he admitted that an outrage had been committed, and that there had been a violation of the public law of Europe, and he also admitted that it was the duty of the Government to give some answer to that outrage, and to that violation of the public law, even if they had not been called upon to do so by the people of England; and as the Bill had received the sanction of so large a majority in the other House of Parliament, and in their Lordships' House, he did not feel it his duty to vote against this answer to the aggression. The question, then, was, what ought to be done? and this question was more easily asked than answered, and he fully agreed with the advice given on a former occasion by a noble Earl (the Earl of Derby), that inquiry ought to precede legislation. The changes which had been made in the Bill, and the doubts which had been expressed as to the character of the offence which had been committed, had convinced him still more of the necessity of inquiry. When such a difference of opinion prevailed as to the nature of the offence committed, it was impossible without further investigation to legislate properly on the subject. He must now enter his solemn protest against the application of this Bill to Ireland—for the circumstances of the two countries were entirely different, the Roman Catholics being the great majority in one country, and the Protestants in the other. In England our legislation would be prospective, but in Ireland it would be retrospective. The declaration which made briefs, rescripts, &c., unlawful and void, was a declaration against the validity of ordination and marriages in Ireland, for consecration was thereby rendered illegal. The ordination of priests was conferred wholly through the jurisdiction and authority of the prelates, and the ceremonies performed by these parties would be illegal and void if the jurisdiction and authority of the prelates who ordained them should be denied. How was it possible to conceive that in spite of the Emancipation Act, and in spite of the decisions in the Irish courts, the appointment of these prelates could be considered illegal and void? Now, as to the interpretation to be put on the words of the Bill. When the Courts of Law were called on to interpret the law, they did not refer to the opinions expressed in Parliament, but ascertained the intention of Parliament from the Act itself; and that being so it was the duty of their Lordships so to alter the Bill that it should not run the risk of being interpreted contrary to the interpretation of the noble and learned Lord on the woolsack. There was one way of getting out of the difficulty without lessening the stringency of the measure, and that was by not making the Bill retrospective in Ireland. By making it prospective in both countries, they would meet the necessities of the case, and the people of Ireland would, at least, have notice of what was intended to be done. It was said that the Bill would be a dead letter, but it might not be so, especially after the insertion of the informers' clause; and when their Lordships recollected the speeches which had been made in and out of Parliament, and the ill feeling which had been awakened against Catholics, they could not but see that informers were likely to arise in abundance, especially as a successful informer would be looked upon as a popular character. He was far from thinking that the Bill would become a dead letter; on the contrary, he thought it would be most vigorously acted upon. As respected Ireland, he was persuaded that the Bill would open anew the Catholic question. Their Lordships would recollect the former Catholic agitation, and would remember how they were encompassed by petitioners, and what an excitement existed through the country, especially in Ireland, where the effects of it had hardly ceased even at the present day. This state of things would be revived if the Bill bore the meaning which he (Lord Camoys) attached to it. And he would add that, in his opinion, the Irish Catholics ought to agitate (in a constitutional manner) until they gained the repeal of this unjust Act. He believed their Lordships had made a great mistake in introducing the clause into the Diplomatic Relations with Rome Bill, which prohibited the receiving a Minister from Rome who was an ecclesiastic, because, whatever the inconveniencies which might attend the presence of a Nuncio in this country, they would be counterbalanced by the advantages which would have been derived if the Bill had passed in its integrity. All the questions which their Lordships were now discussing would have been avoided; for they would have been left, not in the hands of an irresponsible Cardinal, but under the control of a responsible Minister. He would merely add a word as to the position in which the Roman Catholics in this country had been placed by the establishment of this hierarchy. He must say that the establishment of that hierarchy had been a most fatal thing for the Roman Catholics of this country—they had suffered most severely in their social position; for whatever difficulties Roman Catholics might have have had in obtaining places of honour, trust, and emolument, these difficulties were considerably increased at the present moment. He believed that now it would be impossible for any Roman Catholic to be returned for any place in England or Scotland. Entertaining the opinion that it would be inexpedient to extend the measure to Ireland, he should give his support to the Instruction moved by his noble Friend.

VISCOUNT CANNING said, he did not desire to enter into the references made by the noble and learned Lord on the woolsack to bygone times, thinking that it was scarcely safe to hazard conclusions on such grounds; but he could not help recalling to his recollection the fact that on the last occasion of the noble and learned Lord's appearance upon the hustings at Newark, it was in opposition to a learned Gentleman (Sir F. Thesiger) whom he might now call (without offence, he hoped, to the noble and learned Lord) the author of this Bill. He thought their Lordships would agree that there was no accounting for old hostilities and new friendships. In regard to the differences between the noble and learned Lord and the noble Lord (Lord Montcagle), there were one or two points upon which the noble and learned Lord had hardly done justice to the statements of the noble Lord, especially as to the distinction between orders and jurisdiction, and the difficulties the noble Lord had pointed out with respect to the *mandatum apostolicum.* The difficulty was this:—The *mandatum apostolicum* was, by the law of Rome, necessary before the Pope could ordain or cause to be ordained a bishop, and it must confer or name the see to which he was to be ordained. In fact, it was to the bishop what a title to orders was to a clergyman on his ordination in the Church of England. Upon the receipt of this mandate, the bishop could be ordained. But if by any act of the Legislature the see to be named in it was made, in fact, no see, and if any document describing it were made illegal and void, and incapable of being acted on, then not only the nomination of the bishop to that see, but his right to perform his functions, would be invalidated, and a question might arise whether his orders would not also be invalidated. There was another point to which the noble and learned Lord would have done well to allude, but to which he had carefully avoided alluding—the inconsistency of the Bill in imposing a more severe penalty on the minor offence, and a less severe one on the greater offence. In the first clause all "such Bulls, Briefs, and Rescripts" were declared void and illegal; that is, "such Bulls, Briefs, and Rescripts" as those mentioned in the preamble "under which divers of Her Majesty's subjects had assumed the titles of archbishops and bishops of pretended provinces and sees." So that a Bull, Brief, or Rescript relating to a "pretended" see or province, was declared illegal and void, and the offence of assuming the title of archbishop or bishop of a pretended province or diocese, was dealt with more severely than in the case of a province or diocese not pretended; and no similar enactment was made as to a similar instrument relating to a see or province not "pretended," but a see or province existing in the Established Church. He had risen, however, principally to explain why he should vote against the Instruction proposed by the noble Lord to the Committee to except Ireland from the operation of the Bill, although he was compelled likewise to oppose the passing of the Bill at every stage; and this being so, he was anxious to avoid the reproach of inconsistency for losing an opportunity of diminishing the stringency or restricting the operation of the Bill, and to show reasons for rejecting the proposition for exempting Ireland. He had this great and overruling objection to the adoption of the Instruction—that the Bill had been recommended to Parliament from the Throne (and, so far as could be seen, the recommendation had been accepted) upon the ground that the act of the Pope had been an attack upon the supremacy of the Crown, and that the Bill was necessary to vindicate it. Whether this were so or not, did not matter for the present argument, since Parliament had assumed that it was so; and he would be no party to the drawing of a distinction between the value of the supremacy in one part of the United Kingdom and another. He could not but observe upon this topic that of all the grounds upon which the Bill had been recommended, none had been less effectively supported than this of the Royal supremacy, and upon none had the arguments of the opponents of the measure been less answered. The proposition of the minority, put in its broadest form, was this (and it was left wholly untouched)—that the Crown could not be supreme in a matter with which by the law and constitution it could not deal, and that such a matter was the appointment of a Catholic bishop for a spiritual guidance of any of Her Majesty's subjects in any portion of Her realm. It was said in reply, that such Catholic bishoprics being designated by the name of a city or see within the Queen's dominions, constituted it more than a spiritual and made it a temporal authority, and that a territorial title, by the principles of the constitution, could only emanate from the Queen. But he would answer that it had not been shown that the authority which a Catholic bishop thereby attained ceased to be spiritual. He admitted it to be wider and more uncontrolled, and that the bishop would be better enabled to associate his own authority with that of his brother bishops; but he denied that the authority became more temporal or less spiritual that it was before. With regard to the territoral title, he replied that the argument was founded on a confusion, if not of words, of ideas. The titles were not titles in the sense in which the law considered titles—as appellations or appointments, not merely commanding or conferring deference or respect, but a position the possession of which was confirmed by law. Neither were they "titles" in the sense in which titles were said to emanate from the Crown, the basis of which doctrine, as laid down by Blackstone, was, that all honours and titles were by the law presumed to be rewards of services rendered, or accompanied the capacity of rendering such services, to the Crown: of which services, therefore, the Crown was the most competent authority to judge. It was clear that, on these principles, the Crown had no concern with these titles of the Roman Catholic bishops. There was another consideration upon which he was disinclined to the exemption of Ireland from the Bill. A noble Earl opposite had, in supporting the Bill, hinted an opinion that the union of the Church of England and Ireland was the work of an Act of Parliament, and that what Parliament had created Parlaiment could destroy, so that there ought to be no difficulty in dividing England from Ireland as respected the operation of this Bill. He did not desire to see Acts of Parliament so important as those which connected the two countries dealt with as lightly as turnpike or railway Acts; and he feared that there were parties in Ireland who would not be slow to take advantage of such a principle. There was yet another and still stronger consideration which led him to reject the Instruction proposed by the noble Lord, namely, that the Government would not, and if they would they could not, apply the law to Ireland. Only one or two noble Lords had ventured to predict that the Bill would be obeyed in Ireland, one of whom, the learned Lord on the woolsack, had accompanied his prediction of obedience with an intelligible menace of more stringent legislation in the event of disobedience—a significant indication of a degree of doubt as to his own prophecy. There were some passages in the history of Ireland which led him (Viscount Canning) to more than doubt upon this point. The bishops and dignitaries of the Roman Catholic Church in Ireland were, up to a recent period, in the eye of the law, exiles. By an Act of the 8th Anne they were prohibited from entering the country. The law was not executed, but was felt to be so galling and unjust, that in 1782 an Act was introduced providing that Roman Catholic archbishops and bishops should be permitted to remain in Ireland, on condition that they did not assume any rank or title as such, or that, if they did, they should lose the benefit of the Act. The Act, however, was so little enforced, that in 1793 a petition was presented to the Protestant Irish House of Commons, upon the subject of Catholic Emancipation, from the Roman Catholic archbishops and bishops of Ireland, who all signed themselves, not merely with their names but with their sees—"Roman Catholic Archbishop of Dublin," "Roman Catholic Archbishop of Cashel," "Roman Catholic Bishop of Killaloe," and so on. This was in the Protestant House of Commons, in the period of Protestant ascendancy. And though Sir H. Cavendish drew the attention of the House to it, and said, "I wish the word 'titular' had been prefixed to the word 'bishop;' they assume titles which do not belong to them, and which the law will not recognise; and the words 'Roman Catholic' do not at all remove the objection"—yet not a word was said in support of this objection, notwithstanding that Dr. Duignan, that staunch defender of Protestant ascendancy, was present at the time. The petition, therefore, thus signed in open violation of the law, was received; and remembering the time at which this had occurred, he (Viscount Canning) conceived he might safely predict that the Government had neither the will nor the power to enforce such a law as the present in Ireland. If he thought that they were at all in earnest in an intention to enforce the law in Ireland, he should try to reconcile himself to the inconsistency of excluding Ireland; but he believed that the Bill would not be enforced in that country, at all events with the slightest severity or stringency, and, believing this, he should vote against the Instruction proposed by the noble Lord.

Lord CRANWORTH said, their Lordships having decided in favour of the second reading, he should speak simply to the precise proposition now before them. The ground of that proposition of the noble Lord appeared to be that the Bill would, if applied to Ireland, inflict a grievance it was difficult to magnify, and impossible, without horror, to contemplate. His noble Friend had seemed to suppose that the operation of the Bill would be such as to render insecure and invalid marriages, and all the orders and offices of the Roman Catholic religion performed by Roman Catholic priests in that country. If he could concur with his noble Friend in that view of the subject, he would certainly say that they must either give the Bill altogether up, or exclude Ireland from its operation. But he did not concur in that view, for the reasons which had been already pointed out by his noble and learned Friend on the woolsack. He believed it to be a principle of law never controverted that a bishop derived his spiritual functions, not from any Rescript of the Pope, but from the ordination of the bishops; and although it might be that ordinarily the bishop was consecrated only on the receipt of a Rescript from Rome, and that in consecrating without such a Rescript the bishops concerned might not be acting in canonical obedience to the Holy See, yet *de facto* there was a consecration, and the party became a bishop, according to the legal maxim, *Fieri non debet, factum valet.* The most exact analogy was afforded by the title to orders usually obtained by a clergyman on ordination in the Church of England. If the title to orders were not obtained, would any one suggest that the ordination would be invalid? The sole question was, whether there were any insuperable difficulties in applying the Bill to Ireland. Now on what ground was the measure to be justified? Upon this: that the act of the Pope was an unwarrantable interference with the prerogatives of the Sovereign of this United Kingdom; so that, unless some overwhelming necessity were pointed out to justify the exemption, it was utterly impossible to exclude one part of the kingdom from the Bill; and it would be far more logical to say, "You cannot include Ireland; you ought not to enact it at all without including Ireland; therefore you cannot enact it all." With regard to the precedent the noble Viscount (Viscount Canning) had referred to, of the petition presented to the Irish House of Commons in 1793, by the Roman Catholic prelates, it must be observed that they styled themselves "Roman Catholic" archbishops and bishops of such and such provinces and sees, which made all the difference; and if the same course had been adopted in the recent proceedings, not one in a hundred would have made any complaint. For if Cardinal Wiseman had called himself "Roman Catholic" Archbishop of Westminster, there would have been no objection—and it would have been a homage to the feelings of the people of this country, which would have prevented any opposition. It had been said, that the Bill would enable parties to prosecute the Roman Catholic prelates by indictment for misdemeanour, as well as proceed for penalties; but that was not so (although he acknowledged that at first he had conceived that it would be so), because there were no words in the Act making any offence, or enabling any person to procure indictment upon it, notwithstanding that the bulls or rescripts were declared void and unlawful, and that the second clause imposed pecuniary penalties on parties putting them in use; so that there could be no prosecution except on the second clause simply for the penalty. He did not think the question was at all important, whether the "sees" or "provinces," the titles of which were assumed, were "pretended" or not, that is, the new sees and provinces, or the old ones; for if the latter, the Act of 1829 would apply; if the former, the present Bill.

The BISHOP of OSSORY said, that he could not plead in excuse for addressing their Lordships, that he had any fears that the Amendment before the House would pass. He had no such fears. Their Lordships had, on a former night, by a vast majority, voted for the second reading of the Bill, professedly on the ground that a foreign Power had committed an act of aggression, derogating from the prerogative of the Crown, and the independence of the country. And he had no apprehensions that they would proclaim to the Power which had committed this wrong, that he was at liberty to repeat it in one part of this realm, but that he must abstain from all such aggressions in another part; for that they, the Parliament of this empire, were resolved to resist him where they believed him to be weak, but were prepared to yield to him where they knew him to be strong. And as little, he was very sure, were they prepared to proclaim to the subjects of the Crown who were his instruments in offering this insult to the Crown and the country, that they should enjoy impunity in that part of the United Kingdom where they were numerous, but that they should be prevented from lending him this aid where they were few. Such a mode of proceeding would make all legislation contemptible. It would not only invite aggressions of the same kind in Ireland, but it would give an impulse to combination and agitation everywhere which nothing could resist. It would publish to the malcontents, not on this occasion only, but upon all on which either the feelings or the interests of numbers are opposed to a measure, "Combine and agitate, clamour and threaten, disobey the law in masses sufficiently numerous, and you have nothing to apprehend from Parliament." Neither in Ireland nor in England could such a proclamation be made without utter discredit to the Legislature, and in the issue great danger to the country; and he felt no fears that the Amendment which so distinctly made this proclamation, would be carried, or even that it would be supported by a respectable minority in their Lordships' House—respectable he, of course, meant in point of numbers. And if he had entertained any such apprehensions, the speech of the noble Mover of the Amendment would have done a good deal to set them at rest; for the argument on which he based his recommendation to their Lordships to legislate differently in this matter for the two parts of the United Kingdom, amounted to a distinct confession that such legislation in the case was incompatible with the maintenance of the union between the Churches. By the pains which he had taken to prove, either that the union between the Churches had never existed, or that it had been dissolved—he (the Bishop of Ossory) did not know which—the noble Mover had acknowledged that that union stood directly in the way of his Amendment; and that, unless he could in some way dissolve the union, he could not expect to have their Lordships on his side. This, as he had before said, had set his (the Bishop of Ossory's) mind at ease with respect to the fate of the Amendment; for if there were no other reason against adopting it, except that which the noble Mover's own speech supplied, he could not fear that their Lordships would give such a fatal wound to the union between the Churches, which in the issue must be such a fatal wound to the union between the countries, as this mode of legislating was confessed to be, by the noble proposer of the Amendment himself. He felt then, for that matter, he might safely leave the question where it stood. But he desired, before he sat down, to correct one or two statements or assumptions in the noble Lord's speech. First, as to the union between the Churches, he would not deal with the noble Lord's argument, which if it were good against the union of the two Churches, would equally disprove the union between the countries; but he would take leave to set the noble Lord right as to some matters of fact.

The noble Lord was altogether mistaken in supposing that there was any difference between the Articles in England and Ireland. The Thirty-nine Articles had been formally adopted by the Church in Ireland in 1634. The Ritual had been the same from the first days of the Reformation. The Morning and Evening Prayer, the Sacramental services, the Ordination and Consecration services, had all been the same from the first; so that the Churches were one in spirituals long before the union in temporals took place. And they were so treated not merely by the noble Lord, who seemed to think that the Churches were first made one at the time of the Union between Great Britain and Ireland; but they had been regarded as one, and treated as one, by Parliament often and long before. To give only the most important example. In the Articles of Union between England and Scotland it was provided—

> "That the Sovereign, at his or her Coronation, shall . . . . . take and subscribe an oath to maintain inviolably the said settlement of the Church of England, and the doctrine, worship, discipline, and government thereof, as by law established, within the kingdoms of England and Ireland, the dominion of Wales, and the town of Berwick-upon-Tweed, and the territories thereunto belonging."

Here is a very solemn Act of the Legislature, nearly a century before the Act of Union between Great Britain and Ireland, in which, not only is there a provision for the permanent maintenance of the Church of England and Ireland as one Church, but a very clear recognition of the fact that they were one; and other and earlier acknowledgments of the same fact could be produced if it were needful. But instead of pursuing that point, which he hoped was sufficiently clear, he wished to take notice of an assertion or assumption of the noble Lord's affecting the relation which the Reformed Church and the Roman Catholic Church in Ireland bore to the ancient Church of that country. The noble Lord spoke of the Roman Catholic Church in Ireland as the Ancient Church of the country; so as to show that he laboured under what he (the Bishop of Ossory) believed to be a very common error with regard to the Church history of that country—an error which he was glad to take that opportunity of correcting. Those who entertained this belief as to the Roman Catholic Church in Ireland, of course believed that the Reformed Church was a new Church in that country, brought in at the time of the Reformation; and, following out that view, the common impression was, that at that period the temporalities which had theretofore been enjoyed by the Ancient Church of the country, had been taken from it, and transferred to the New Church, which had since continued in the enjoyment of them. It seemed very strange that those who entertained this impression, never had the curiosity to look after the Act of Parliament by which this transfer was effected. No one, he supposed, could imagine that such a process could have gone on *sub silentio*. No one could imagine that one Church could have silently slid out of its temporalities, and another Church silently slid into them. It must be evident that at that period of our history, if indeed at any period, no such change could have been effected without an Act of Parliament; and it would have been well if those who took up the common error without examination, had been led to make the obvious inquiry, what was the Act of Parliament by which this transfer was made? For when they discovered as they would have discovered, that no such Act existed in our Statute-book, they might have been induced, first, to question the reality of the transaction which they had been taking for granted, and then continue the investigation so far as to satisfy themselves that the whole popular impression of the facts was not only without foundation in the history of the period, but was absolutely and conclusively contradicted by it. The true state of the case was, that at the time of the Reformation, there were not, as was supposed, two Churches, an old and a new one. There was at that time, and for a good while after, but one Church—the Ancient Church of the country. It was at a subsequent period that the New Church arose. The Ancient Church, which had been corrupt before the period of the Reformation, then reformed itself. But it did not thereby become another Church. It continued the same Church—corrupt before—reformed afterwards—but still the same body—the same Church. In 1560 the Reformation was introduced into Ireland, so far as it was introduced by public authority, by two Acts of Parliament, which were the same, *mutatis mutandis*, as the two Acts by which it had the year before been established in England. One of these Acts was the Act of Supremacy, and the other the Act of Uniformity (Elizabeth's Act of Uniformity). By the former the usurped supremacy of the Pope was abolished, and the supremacy of the Crown, in the sense in which it was therein defined, was asserted; and the oath of supremacy imposed. By the other the Romish mass, and the Latin service were to cease, and the English liturgy, as contained in the Book of Common Prayer, was put in its place. It is plain that in these two Acts the whole change from the Romish to the Reformed communion was contained. And when the Bills were brought into the House of Lords in Ireland there were present twenty-three temporal and twenty spiritual Peers. Of these latter there were only two who opposed the measures. The rest united with the State in passing them in the House, and in carrying them out afterwards. So that the whole hierarchy, with the inconsiderable exception of the two dissentients of whom he had spoken, embraced the Reformation. The parish priests submitted, for the most part, to the change; and the congregations attended at their parish churches as before, during a considerable part, if not for the entire of Elizabeth's reign. There the whole Church may be said to have settled down at once quietly in the Reformation; and this happy state of things continued until the Pope consecrated bishops for the purpose of disturbing it. To what an extent the attempt succeeded was better known than the causes to which it owed its success. But it was beside his purpose to speak of those causes. His object was to make it clear that the Roman Catholic Church, which originated in this act of the Pope, was not and could not be the successor of the Ancient Church of the country. It must be plain from the facts which he had stated, that the true and only successor of the Ancient Church of Ireland was the Reformed Church. The bishops who had embraced the Reformation were all bishops who were in possession of their sees at Mary's death; and they must, therefore, be allowed by Roman Catholics to be successors of the ancient bishops of the Irish Church. They continued this succession, which has been since uninterruptedly kept up without affording any room to allege that that line has ever been broken; and from them, and through them from the ancient bishops of the country, the present bishops of the Reformed Church in Ireland derive their orders, by regular ecclesiastical descent. As to the Roman Catholic Church, on the other hand, its bishops were not derived from the ancient bishops in any way. There were, as he had said, but two of the hierarchy who remained in communion with Rome. Whether the ancient succession could have been continued through them, it was unnecessary to inquire, for, in fact, no such attempt had been made. The bishops from whom the present bishops of the Roman Catholic Church in Ireland derive, were consecrated abroad, and sent into the country from time to time. They did not themselves derive their orders from the bishops of the ancient National Church; and, therefore, could not connect those whom they consecrated with those bishops, or with that Church. They formed a new succession in the country. We regard them as schismatical. But even those who hold that, being appointed by the Pope, they are the legitimate bishops, whatever the laws of the Church may say to the contrary, even they cannot maintain that they are the successors of the ancient hierarchy. They are a new line of bishops, and their Church a novel and an intrusive Church. Their origin dates from a period subsequent to the Reformation in Ireland; and they cannot, as is plain, trace their succession higher in that country. The fact however was, he said, that even after the foundation of this new succession was laid, it was carried on so interruptedly, that in most of the sees its origin must be taken at a much lower period. There was not, for example, any appointment of a titular Archbishop of Dublin for more than forty years after the Reformation. We have an account of the state of the new succession in 1621, from the pen of an Irish ecclesiastic residing in Spain. He states that at the time that he was writing, the sees were held by the ringleaders of heresy, and that Catholic prelates were not appointed to their titles, except in some few instances, because, without the ecclesiastical dues, such a body of bishops could not be supported: and the result, as stated by him, was that there were at that time but four titular prelates appointed for the whole kingdom, but two of whom were residing in the country; so that at that date, sixty-one years after the Reformation, two of the provinces, and all the suffragan bishoprics, were governed by vicars-general. In 1660, a century after the Reformation, we find that there were but three titular prelates in the kingdom. And these details, which show in a more striking light the extravagant absurdity of the pretensions which are put forward on behalf of the Irish Roman Catholic hierarchy, are all drawn from Roman Catholic authorities. He knew very well with what suspicion anything which was regarded as a discovery in history was received. Whatever were the evidence brought forward in its support, it was regarded as sufficiently put aside by those who were indisposed to examine it, by the reflection, that if it were true, it would have been found out long ago. He had no intention of saying anything against this mode of dealing with historical discoveries; but he was anxious to protect himself from the inconvenient credit of having made one. The point which he had been pressing on their Lordships was not only long known, but it had been given long since to the public in this country in different forms, which ought to have made some, at least, of their Lordships, well acquainted with it. He would refer only to one of those publications. In 1836, Dr. Hook, of Leeds, preached a sermon on behalf of the distressed Irish clergy. It was, he need hardly say, a very able and effective discourse. It had, he believed, gone through several editions. The copy which he held in his hand was marked "a new edition," and was printed in 1845. What the preacher's view of the position of the Irish clergy with reference to the ancient Church of Ireland was, might be sufficiently collected from the title of his sermon. It was, *The Catholic Clergy of Ireland ; their Cause defended.* And in the body of the sermon he enters into the history of the Reformation in Ireland, giving substantially the same statement which he (the Bishop of Ossory) had now given. And he states expressly, as the result of his examination of the case—

> "It is a well-known fact, that of all the countries of Europe, there was not one in which the process of the Reformation was carried on so regularly, so canonically, and so quietly, as it was in Ireland."

And he goes on to prove, that—

> "The bishops of the Church in Ireland—that is, as our adversaries will admit, the then successors of St. Patrick and his suffragans, those who had the right to reform the Church—consented to the Reformation ; and that until the end of Queen Elizabeth's reign, and she reigned above forty-four years, there was no opposition Church in that country, under the dominion of the Pope."

Such is Dr. Hook's statement; and he (the Bishop of Ossory) thought it right to add, not only to give weight to this testimony, but to do due honour to the distinguished person who bore it, that the school of theology to which the great body of the Irish clergy belonged, was widely different from Dr. Hook's ; and that therefore it was not from party attachments, but from a sense of justice, that he came forward to vindicate their claim to be the successors of the ancient Church of their country. He (the Bishop of Ossory) was well aware that the point which he had been pressing, would be regarded as one of little importance by many who heard him. But he believed there were some within their Lordships' House, and he was sure that there were many outside it, who thought and felt differently about the point. But whatever its importance, if it were important enough to be referred to at all, it was of some importance that the true state of the case should be understood. To make it understood was the object of what he had said. His object was to show that the Roman Catholic Church in Ireland was not, as was so often confidently stated, the successor of the ancient Church of Ireland, nor its bishops the successors of the ancient bishops of the country ; but that it was a novel Church, and that the remotest point to which any of its bishops could trace their succession was to a date subsequent to the Reformation : that the true and only representative of the ancient Church of Ireland, was the Reformed Church established there, so that it is entitled to its present position, no less by ecclesiastical law than by the law of the country. And if the issue were directed to any Court in the Kingdom, to try and determine to whom do the ancient sees of the country, with their privileges and temporalities, belong by right of descent, as the true successors of the bishops who held them from the earliest times, the finding must confirm the title of those who are in possession af them. This was what he had been anxious to prove, and he trusted that he had succeeded in proving it.

The Bishop of Ossory

The Earl of ST. GERMANS rose amidst loud cries of "Question!" He said, that he considered this question of too much importance, and felt too deeply interested in it, to allow himself to be put down by any clamour or impatience, and he was astonished to see that their Lordships desired to cut short so important a debate. The right rev. Prelate who had just spoken, announced an important and an interesting fact, of which he (the Earl of St. Germans was not disposed to dispute the accuracy namely, that the Established Church of Ireland was the legitimate successor of the ancient Church; but he must observe that at all events it was not the Church of the great majority of the Irish people. The right rev. Prelate had also stated that the Pope, a few years after the Reformation, sent over, of his own motion, bishops to be over the Catholic Church; and, so far as he (the Earl of St. Germans) knew, no legislative measure was ever taken to prevent that exercise of power by the Pope—an exercise of power analogous to that which he had recently exerted in this country. With respect to the Motion before their Lordships, he did not approve of any penal legislation towards Ireland; and if the provisions of this Bill were carried out there, they must be considered to be of a penal character. First, as to the question of indictment, he should refer to one or two authorities, showing that, where the bishops or other Roman Catholics contravened the penal clause of this Act, they would be liable to indictment. Lord Hale, in his *Pleas of the Crown,* distinctly said—

> "If a statute prohibits any Act, and by subsequent clauses gives a recovery by action of debt, or information, the party may be indicted on the prohibitory clauses, but not to the recovery of a penalty."

The question, therefore, was, whether the Attorney General had the power of interfering to prevent these legal proceedings against a person so contravening the terms of the Act. Again, Justice Ashurst expresses an opinion similar to that of Lord Hale. There were various other authorities which appeared decisive upon the subject. He, therefore, thought the intervention of the Attorney General was necessary, and that it would be desirable that words should be introduced giving him power to prevent such indictments being laid. It was said that in Ireland any person assuming the titles of existing sees in that country would be liable to the penalties of this Act, and that acts done by them would be illegal and void. But there are now no fewer than ten sees in Ireland which are not called by the names of the sees of the Established Church, which will also be called "pretended" sees, and the bishops there will be contravening this statute, consequently they will be liable to the penalty, and all their acts will be null and void. If we, by our legislation, render the instrument appointing a bishop null and void, it must follow that all the acts done under that instrument will also be null and void. Then, again, suppose under the Charitable Bequests Act it was necessary for a bishop to establish his right to a bequest, would he be allowed to do so under an illegal instrument, the issue of which we had made null and void? If he was not mistaken, Lord John Russell had said, that he had been advised by his law officers not to prosecute under the statute of Richard II.; but it was held by Sir F. Thesiger and other eminent lawyers, that by reciting in this Act the words of the Act of Richard II., vigour and life would be given to the provisions of that Act. It was, therefore, important that some words should be introduced into this Bill, to prevent any vexatious proceeding, not contemplated by the Government. He had said that he entertained great objection to the exclusion of Ireland from such a Bill as this. But the House had affirmed the principle of the Bill, and the only question was should they take it as they found it and extend it to Ireland, or limit it to England? He admitted the force of the argument put by his noble Friend (Viscount Canning). It was most inconvenient that there should be any sort of distinction between the supremacy in Ireland and in England. It might and would indirectly affect the position of the Established Church. It was therefore with the deepest reluctance that he came to the conclusion that he was bound to support the Motion of his noble Friend (Lord Monteagle), from a sense of the difficulty and danger that this Bill would create in Ireland. Besides, why have a Bill for that country which they knew beforehand, it was not the intention of Government to give effect to? Why, in the present exasperated state of the public mind, individuals would be found to prefer indictments—at least that was the opinion of many eminent lawyers. Some private person might find a bishop on such and such a day committing a certain act, and go to the Attorney General to get him to lay an indictment. It would be difficult for the Attorney General to resist the injunction of Parliament contained in this Act. If he did, he would be liable to impeachment for dereliction of duty. This was no idle chimera, but the opinion of a man whom every Member of that House must admit to be worthy of respect, Archbishop Murray, the Roman Catholic Archbishop of Dublin. He said—

> "Beloved Brethren—The hand of persecution

> is about to be once more extended over us, and a new element of civil discord cast amongst us. Under the pretence of resisting what is untruly called a Papal aggression, a Bill has been introduced into Parliament subversive of our religious worship, and fraught with mischief to the interests of our poor. It is nominally directed against your bishops, but it is in reality aimed against your religion. With respect to titles, your bishops claim no inherent right to any of those which are derived from any earthly fountain of honour. But the spiritual titles derived from the Church—their titles to the episcopal sees, derived as they are from the divinely-constituted fountain of spiritual jurisdiction—they are not free to surrender. Those titles are registered in heaven. They have not been given by any secular Power, and no secular Power can take them away. We know our flocks, and they know us. They recognise in us their spiritual pastors, exercising episcopal jurisdiction over them in the sees in which they reside. We are their bishops—they know us to be so: and yet a law is proposed forbidding us, under penalties which we could not pay, and the non-payment of which would doom us to prison, to acknowledge even to our own flocks that we are what they know us to be, the pastors whom the head of our Church, acting according to its known discipline, has placed over them. What adds to the palpable injustice of such a law, is the insulting mockery of pretending that it leaves untouched our religious liberty. In the variety of ways in which this grievous law, if strictly enforced, would harass us in the unavoidable exercise of our merely spiritual functions, it would take away from you as well as from us even the semblance of religious freedom."

Now, he begged their Lordships to recollect that these were not the words of an agitating bishop, but of one who had steadily set his face against political agitation; and their Lordships must admit that he was sincere in his conviction. Now that was written in the February of this year, and could not be said to have anything to do with the arguments which had recently been raised upon the subject. It was the result of his consideration of the subject when the Bill was first laid upon the table of the House. Then why should Government persist in doing what the Roman Catholics in Ireland must consider, and justly so, to be persecution? He begged also to call the attention of their Lordships to the opinion of the Catholic Bar of Ireland—an opinion which had been signed by two out of the three Queen's Serjeants, by 11 Queen's Counsel, and 80 members of the outer Bar. One of the Queen's Serjeants by whom it was signed was Mr. Serjeant Hawley, a man who had always been remarkable for abstaining from political discussions, and who had always been the friend of good government in Ireland. The protest of the Roman Catholic Bar said—

> "We view the proposed measure as retrogressive and penal in its character, an infringement upon religious liberty, an unwarrantable interference with the discipline of our Church, and a departure from the policy recently pursued by the Legislature in facilitating the voluntary endowment of the Roman Catholic hierarchy and clergy of this country. We object to this measure, because, by subjecting our religion to special legislation of a vexatious character, it will place the Roman Catholic people of Ireland in a position of inferiority to their fellow-subjects. We object to this measure because it will create new difficulties in the administration of charitable and religious trusts connected with the Roman Catholic Church, unduly control the free disposition of property, interfere with and endanger settlements made upon the faith of existing laws, and in its results be productive of great embarrassment and irritation. Finally, we object to the measure, because it has been conceived and framed in a spirit of hostility to the Roman Catholic religion, and because it is calculated to revive animosities which have been so baneful to our country, and which, in latter years, have been happily subsiding."

This was not the language of agitators at public meetings, but the language of men of high rank and station, of unblemished character, and utterly unconnected with any political party in Ireland. He (the Earl of St. Germans) knew that the Irish people valued their civil rights highly, but they valued the exercise of their religious liberty much more; and he believed that if this Bill were extended to Ireland, all the evils which were in existence before the Emancipation Act of 1829 would be revived in tenfold force. It was most unwise to propose such a measure with respect to a country five-sixths of whose population were Roman Catholics. Much had been done for the Roman Catholics, though not so much as he believed some noble Lords, the Secretary for the Colonies for instance, thought should have been done. They had not recognised distinctly the Roman Catholic in this country as a territorial hierarchy; nor had they given their bishops seats in Parliament. They had not endowed the Roman Catholic Church, as he (the Earl of St. Germans) thought they ought to have done; but they had created establishments for the education of the clergy: they had colleges to which Roman Catholics might be admitted in common with all other classes of Her Majesty's subjects, and also a system of national education, of which they could avail themselves; and in a variety of Acts of Parliament the existence of the Roman Catholic hierarchy in this country had been recognised. Therefore he believed such an Act as this would be pregnant with the most mischievous consequences to Ireland; and, not shutting his eyes to the objections urged against the proposition of his noble Friend (Lord Monteagle), but seeing all these evils and all these dangers, he, nevertheless, felt it to be his painful duty to give his vote in support of the Motion.

The DUKE of ARGYLL said, although he believed it was not strictly regular to refer to a previous debate in their Lordships' House, and to attempt to answer arguments brought forward in that debate, he felt bound to notice the arguments which the noble Earl (the Earl of St. German) had used on a previous, as well as on the present, occasion. He greatly regretted the course which the noble Earl, connected as he had been with Ireland, was taking on this question, for he (the Duke of Argyll) did hold that, whatever might be the effect of the measure, it ought to refer to all parts of the United Kingdom, without reference to the degree of power, without reference to the number of the Roman Catholics who might thereby be affected by it. The stress laid in all the objections to including Ireland in the operation of the Bill, chiefly referred to the first clause, and on that the noble Earl had mainly rested his argument. The first clause said that—

> "All such briefs, rescripts, or letters-apostolical, and all and every the jurisdiction, authority, pre-eminence, or title conferred, or pretended to be conferred thereby, are and shall be and be deemed unlawful and void."

Now, he must say, that in his opinion the noble Earl, in his keen and anxious opposition to the measure, had set himself to find out and suggest to the Irish people difficulties and consequences which did not really exist, with regard to the effect of this clause upon the exercise of the Roman Catholic religion. He held that it was of the first importance, whatever might be the tone of the debates in that House, to take care and not exaggerate by one hair's breadth the consequences which they might conceive might or might not follow from any clause of the Bill. He had no hesitation in declaring his own feeling to be that, if it affected in any manner the purely spiritual acts of the Roman Catholic clergy, he should be quite as unwilling to apply this Bill to England, although there were few Catholics in England, as to Ireland, where there were millions. He, for one, would not confess that the British Parliament was willing to apply one principle to the few which it dared not apply to the many; and he took his stand upon the conviction that this clause neither could nor would, by any reasonable construction, affect the spiritual acts of the Roman Catholics. The noble Lord (Viscount Canning) had spoken of the ordination of the Roman Catholic priests as being founded on documents proceeding from Rome, and as this Bill would invalidate all documents from Rome, he thought such ordination would by consequence be invalidated. He (the Duke of Argyll) denied that inference altogether. The holy orders of the Church of Rome were fully recognised by our own law and our own Church; and the consecration of a Roman Catholic bishop did not depend upon any such document, but upon the canonical consecration by other bishops. If a priest, therefore, asserted that he was ordained by a duly consecrated Roman Catholic bishop, no inquiry would be made as to the authority under which the consecration of that bishop took place. He did not only hold that the Bill might apply to Ireland, but that it was specially required for Ireland. This Bill was called for, because it was considered necessary to resist the encroachments of the Roman Catholic priesthood, from which was dreaded the gradual establishment of principles dangerous to our own institutions and our own political system. That was the ground on which their Lordships were asked to support the Bill; and if danger existed anywhere, surely it existed in that part of the empire where the Roman Catholic religion had the greatest influence, and where dangerous acts of Papal supremacy were passed over in silence by the British Parliament. In certain respects, in his opinion, we had acted most incautiously, and he was justified in using that language by two pamphlets bearing the mysterious words "by authority," which he presumed to mean that the publications had received the sanction and approbation of Dr. Wiseman, as representing the Roman Catholic priesthood. To show the real danger which existed of allowing this encroachment to go on unchecked, he would read them a brief extract from one of those pamphlets. A private Bill had been passed, entitled the Dublin Cemeteries Act, into which not one of their Lordships perhaps ever looked, except the Chairman of Committees, and on that Act the following conclusions were founded:—

"Here we find Archbishop Murray, described as his Grace Archbishop Murray, exercising spiritual jurisdiction as archbishop in the diocese of Dublin. His spiritual jurisdiction in the diocese of Dublin is recognised; and the canon law is both amply recognised as prevailing in the diocese of Dublin, and to be administered by Archbishop Murray and his successors therein." The ground generally taken was, that the canon law only acted *in foro conscientiœ,* and had no existence under our law. If so, no British Act of Parliament could alter it in that respect; but here it was argued "by authority," that Archbishop Murray having been designated as "Archbishop Murray, exercising spiritual jurisdiction in the diocese of Dublin;" by Act of Parliament, the canon law was recognised by our law, and could be enforced by our law as exercised by Archbishop Murray in that diocese. He (the Duke of Argyll) did not believe that Dr. Bowyer was justified in the conclusion to which he had come; but he contended it showed the spirit against which we should guard, and the consequences with which we had to deal; and he said again, if this measure was to be passed at all, more especially should it be passed with reference to Ireland, where the encroachments of the Roman Catholic priesthood were most dangerous. His noble Friend said, "in England we had no business to interfere, because in England we had given the Roman Catholics nothing, and in Ireland we dare not interfere, because we had given them so much;" but the conclusion which ought to be drawn was, that "in England we are at perfect liberty to deal with them, because we have an inherent right to do so, and have not diminished the right by any concession; and in Ireland we are especially bound to interfere, because it is more nearly brought into communication with the existing law." Looking to the state of Ireland, looking to the feelings which had so long existed in that country, it was most important that all who voted for this measure should vote for it, not for the purpose of interfering with the spiritual liberties of the Roman Catholics, but for the purpose of making a stand against priestly usurpation and Romish domination.

The Marquess of CLANRICARDE entreated a hearing only to set himself right with his noble Friend (the Earl of St. Germans), and to inform the House on a point of fact with reference to the assumption of the title of Archbishop of Dublin by Dr. Murray. He did not believe his noble Friend would wilfully misstate anything, but without explanation their Lordships might be misled. As to the existence of some such document as had been referred to by the noble Earl, he (the Marquess of Clanricarde) never saw an original, and he ventured to say that his noble Friend never saw an original of the kind until today. So that the recital of that document in no way affected the statement which he (the Marquess of Clanricarde) had made. He was aware documents passed between Archbishop Murray and his priests, and, it might be, between him and the Court of Rome, in which he was addressed as Archbishop of Dublin, or referred to himself as Archbishop of Dublin. But that was not before the Irish people or the people of this country, and he did not consider it an assumption of the title of Archbishop of Dublin. If he wanted to prove that it could not be considered as such an assumption, he need only refer to a document signed by Archbishop Murray, which was issued at the time of the passing of the Relief Act, and in which, referring to the part affecting themselves, the archbishop and bishops recommended to the people obedience and attachment to the constitution and law of the country. It was impossible, knowing the high character of that most reverend Prelate, any one could believe Archbishop Murray would sign that document with the intention of subsequently violating the law he recommended the people to observe. Again, as another proof, when he asked his noble Friend to show him that very touching paper he had read, it was for the purpose of seeing the signature to it. That paper was addressed to the public generally, and was signed as the archbishop always did sign public papers, "D. Murray." What passed between him and the priests, or the Pope in private, the country, the law, the Parliament, and the Constitution, would not take cognisance of, and therefore the fact still remained on his side of the question, that Archbishop Murray did not bear or assume the title of Archbishop of Dublin.

The Earl of WICKLOW, after referring to the doubts which existed, even among high legal authorities, as to the effects of the measure, asked whether it was reasonable to expect that they would pass a measure which might possibly contain such severe enactments as many supposed it did, with the mere hope that eight or nine months hence they would be able to pass another Act to amend it, if necessary? Did the noble Lord who had recommended that course, forget the evils which might arise in the meantime? Did he forget that, after animosity and angry feelings had been excited, it might be found impossible permanently to remove them? And, besides, was his noble Friend sure that next Session the Whig Government would be in power to carry into effect an amended Bill? His conscientious belief was, that this Bill would be the downfall of the Whig Ministry. With respect to the Instruction to the Committee which had been moved, he begged to say that he could not support it, because he held that if the Bill was carried at all, it ought to be extended to the whole empire. Besides, he believed that as far as regarded Ireland, it would never be carried into effect; but that if Ireland were exempted, there would be serious danger that it would be put into operation in England. If their Lordships, therefore, wished to protect the Roman Catholics generally from the operation of the measure, they should vote for its extension to the empire at large.

The MARQUESS of LANSDOWNE was understood to declare his objection to the Amendment, and his intention to adhere to the Bill in its present shape.

On Question,

House *divided*:—Content 17; Not-Content 82: Majority 65.

Resolved in the *Negative*.

The EARL of ABERDEEN was desirous of directing the attention of the Government to a point of some importance before the House went into Committee on the Bill. The preamble referred to attempts to establish pretended sees, under colour of authority from the See of Rome, "or otherwise." These words, taken in conjunction with the enacting clauses, would prevent the establishment of bishoprics by any body of Protestants dissenting from the Established Church. That could not be the intention of Ministers, for they professed to wish only to prevent the appointment of bishops by the See of Rome. The way in which the words "or otherwise" came to be in the Bill could be accounted for. When the Bill was originally framed it was intended to prohibit the Scotch bishoprics, as well as those established by Rome; and to effect that object the words "or otherwise" were introduced. Now, however, that intention was abandoned, and consequently the words ought to be struck out. It must not be supposed that Protestants dissenting from the Established Church were not likely to want bishops. About three years ago some twenty or thirty Protestant clergymen, professing the doctrines of the Church of England, and established in Scotland, withdrew themselves from the jurisdiction of the Scotch bishops, and appealed to their Lordships to grant them an episcopal constitution for themselves. Whatever might be the power of that House to act in such a matter, there could, he apprehended, be no doubt that the parties might have appointed bishops of their own if they pleased. But under this Bill as it stood they could not do so, nor could any other Protestant Dissenting body. It appeared to him that this would be carrying the spirit of religious intolerance rather further than any one contemplated. Under these circumstances he requested some explanation on the point from the noble Marquess.

The MARQUESS of LANSDOWNE'S reply was inaudible.

The EARL of ABERDEEN repeated his statement. The words "or otherwise" were properly introduced into the Bill when it was intended to prohibit the Scotch bishoprics; but, that intention having been abandoned, the words ought to be expunged, unless the Government meant to prohibit the establishment of bishoprics by any Protestant body not belonging to the Established Church.

The MARQUESS of LANSDOWNE said, it was intended to prohibit all bishoprics not created by the Crown.

The EARL of ABERDEEN: If that was the intention of the Government, they ought to prohibit the Scotch bishoprics, for the Crown had nothing on earth to do with the creation of them. They elected each other with their own forms. Another sect might arise which would desire to have bishops, but the Bill would prevent them from obtaining them. The noble Marquess was, indeed, making rapid progress in intolerance when he would prohibit the existence of any Protestant bishoprics except those belonging to the Established Church.

The MARQUESS of LANSDOWNE'S reply was again inaudible.

LORD REDESDALE thought the words of the clause most clearly confined its operation to England and Ireland.

The EARL of ABERDEEN wished to know what there was to prevent the establishing of sees in England or Ireland. He said that Protestant sees might be established in either country; there might arise a sect of Protestant Episcopal Dissenters, who without claiming any jurisdiction might yet desire to give effect to the constitution of their Church. The word "otherwise" must apply to some other authority than the Court of Rome. The noble Marquess would forgive him, if he said that the Bill did apply to Scotland, and upon the highest authority it was in his certain knowledge that the Bill was intended to apply to Scotland.

EARL GREY said, that he did not think it would be an invasion of religious liberty in England, if Protestant sects were allowed to have bishops, but forbidden to assume for them territorial titles, which was an usurpation in a country where there was an Established Church.

The DUKE of ARGYLL said, he did not think the Scottish bishops were included; but they had a perfect right to include them if they thought proper. The time would come when every bishop of any place throughout Europe, constituted by any Power whatever, would no longer be the bishop of a territory as having jurisdiction over all who lived within the diocese, which was the course adopted by Rome, but all bishops must be contented with calling themselves the bishop of such and such a church, in a particular place.

House in Committee.

The EARL of KINNAIRD moved to omit the first clause, because it appeared to him to render unlawful and void any spiritual jurisdiction of the Roman Catholics in England or Ireland.

The EARL of ELLENBOROUGH observed, that the clause declared the nullity of letters-apostolical, and of all jurisdiction, authority, pre-eminence, or title conferred, or pretended to be conferred, thereby. Now he apprehended that the appointment of a clerk to a particular parish in Ireland was an act done by the authority of a bishop, and consequently, by passing this clause the House would declare void the appointment of every priest in every parish in Ireland. He particularly desired to have some explanation on a matter on which he had always felt great difficulty—namely, with respect to the bearing of this clause on the Charitable Bequests Act. The fourth clause of the Bill provided that nothing contained in it should be taken to affect the Charitable Bequests Act; and under that Act any archbishop, or bishop, or clerk in orders of the Church of Rome, officiating in any district, or having pastoral superintendence of persons professing the Roman Catholic religion, might go to the Commissioners of Charitable Bequests, and receive payment of the sums which might be due to him. Now, in such a case a bishop of a "pretended" diocese might be met in the first place by this difficulty, that in order to give such a description of himself as would warrant the Commissioners in paying over the money, he would subject himself to a penalty of 100*l*. on every occasion. How was it possible, then, for these two Acts to co-exist? If the Charitable Bequests Act was to stand, and this Bill was to go, what portion of it was to go into Ireland? The Charitable Bequests Act drew a broad line of distinction between the two countries; and if the Charitable Bequests Act remained, he doubted whether this Bill would have any operation in Ireland.

The LORD CHANCELLOR was not sure that he understood the noble Earl, and he was afraid he did not, because the difficulty of which the noble Earl spoke did not present itself to his (the Lord Chancellor's) mind. If a parish priest was found exercising the functions of a priest, the law made no further inquiry. When parties were married by a person acting as a clergyman, the marriage could not be invalidated unless it were shown, first, that the person so acting was not a clergyman; and, next, that the parties knew it. No inquiry could be made into the validity of the clergyman's ordination. Necessity required that when acts were done by a person assuming a certain public character, his acts should be established by law, though he had no authority to perform them. The Charitable Bequests Act seemed to him to have received great attention; but when he looked to the Dublin Cemeteries Act, he was satisfied it had been drawn by somebody who had a design in the drawing of the Act. As it was not a public Act, the language of it passed without attention; but if it had been the object of Government to admit those titles, the same language would have been used in the Charitable Bequests Act. If he understood the noble Earl, as he was very anxious to do, he wished to know whether the effect of the first clause was to disentitle a person acting as priest from obtaining payment of a sum due to him as a bequest in respect of his spiritual office. He apprehended that the question would be, not whether he was properly appointed, but whether he was officiating. As it seemed to him, the difficulty suggested by the noble Earl did not arise, and the first clause of the Bill might very well avoid any jurisdiction, authority, pre-eminence, or title pretended to be conferred by letters-apostolical, without at all interfering with the right of the parties in question to receive money from those who ought to pay it.

The EARL of ELLENBOROUGH was not at all satisfied with the explanation. This Bill deprived all of jurisdiction and authority who usurped certain titles. But it was by virtue of the authority derived under such titles, they had, for instance, pastoral superintendence. But this Bill made the source from which the authority was derived, void, and of course having been appointed by those who were themselves illegally appointed, they could have no legal right to exercise the privileges which would only attach to one who was regularly constituted. If the party said, "I apply as an archbishop," the reply would be, "Under the Ecclesiastical Titles Bill you are no archbishop—we cannot recognise you." If the Bequests Act survived this clause, then he must say the clause was not of the slightest value—it could be only held *in terrorem*, a mere useless expression of the vindictiveness of Parliament.

The EARL of WICKLOW said, that as soon as this Act came into operation, persons who were about to marry, would soon find out those priests who were and those who were not legally appointed—the position of the clergyman who was to perform the ceremony would become known, and his right to discharge the functions of his office would be questioned. The answer given by the noble and learned Lord on this subject to his noble Friend, had quite frightened him. There was another point with respect to which he entertained some apprehensions. There were appointments in Ireland of Catholic chaplains to gaols and poor-houses, which were not known in this country. These appointments were objects of great competition and canvass; and he feared that a chaplain, after he was appointed, would be always objected to by the party who was opposed to his election, on the ground that he was not legally the priest of the parish, because the bishop who ordained him belonged to a pretended diocese. He asked what would be the result if such objections could be constantly brought to appointments of this kind?

The MARQUESS of CLANRICARDE observed that, when parties were married, it was not required to be known whether the priest who performed the ceremony had been legally appointed or not. Inquiries of such a nature had not been commonly made up to the present time, and there was no reason to suppose that parties would be induced to make them in consequence of the passing of this Bill. Had it ever been proved in a court of justice that a priest was not legally appointed because he owed his appointment to a brief from Rome? He (the Marquess of Clanricarde) would venture to say that there never had been such a case. Nor did he believe that there ever was an instance of a Roman Catholic bishop who went to take a bequest under the Charitable Bequests Act having been called upon to show the brief or bull by which he had been appointed.

LORD MONTEAGLE said, it was true that no objections had been made, up to the present time, to a priest or a bishop on the ground that he held his appointment by an instrument from the See of Rome. But the case would be entirely altered by the passing of this Act. If a bishop of one of the pretended sees, whose appointment was utterly null and void under the Act, should go to the Commissioners of Bequests to claim what he might be entitled to, the question must immediately arise whether he was really and legally a bishop or not.

The MARQUESS of CLANRICARDE said, he conceived that the operation of the Act by which certain sees were declared illegal, would be limited so far as the Charitable Bequests Act was concerned. The only question that would arise when a claim was made under that Act would be, whether the party who made the claim was the person exercising spiritual functions in a particular diocese?

LORD MONTEAGLE said, in the case of a Roman Catholic bishop desiring to recover a legacy left to him in his episcopal character, he would have to make application to the Charitable Bequests Commissioners, who would be obliged to act of course in conformity with the law; and as this Bill would declare the assumption of an ecclesiastical title without the consent of the Crown illegal, he (Lord Monteagle) contended that it would be beyond the power of the Commissioners to hand over to such Roman Catholic bishop any such bequest. Suppose a legacy of 50*l.* were left to a Roman Catholic bishop, did their Lordships fancy that any Roman Catholic bishop in Ireland would be silly enough to incur a penalty of 100*l.* in applying for such legacy?

The LORD CHANCELLOR said, the law assumed that a man acting in the discharge of the duties of any particular office had a right so to act; and as the intentions of a testator were to be considered, the Charitable Bequest Commissioners would be fully justified in handing over to a Roman Catholic such legacy as may be left to him in his character of bishop of a particular district. He would illustrate this point by a case which was decided in their Lordships' House the other day. He alluded to an appeal case with respect to a rate ordered to be levied in the parish of St. Pancras, by certain parties who had not been properly elected vestrymen. Their Lordships, nevertheless, decided that as those parties acted in the character of vestrymen, the rate was valid. The question, then, to be ascertained by the Commissioners in the distribution of charitable bequests, would be whether the parties applying for them answered the description of the testators.

The EARL of ST. GERMANS said, no man could be disposed to bow with greater deference than himself to the opinion of the noble and learned Lord on questions of English law or equity, but on questions of canon law, he certainly was not disposed to place such implicit reliance on his opinions. By an apostolic mandate a bishop was appointed to his see, and, subsequently, he was consecrated to that see. No doubt there was a difference between acts of order and acts of jurisdiction. Now, acts of the latter description, on the part of a Roman Catholic bishop with a territorial title, were declared to be unlawful and void; and he doubted whether the effect of this Bill would not be to make even acts of order illegal. Appointment to churches, &c., by Roman Catholic bishops henceforward in this country would be null and void. That appeared to him to be an extraordinary way of dealing with the rights and privileges of our Roman Catholic fellow-subjects.

The BISHOP of OSSORY said, that he probably would not have interposed in the discussion on this point, but that he was able to sustain the statement of the noble Marquess by a better opinion than his own. The late Lord Cottenham had said, in the celebrated case of the Queen *v.* Milles, "It was urged that marriages were good where the person officiating was not in orders, though pretending and believed to be so. This, I apprehend, depends upon a very different principle. The Court, in such a case, would not, I conceive, permit the titles to orders to be inquired into." This dictum confirms the statement of the noble Marquess, for it showed that the Courts would receive repute as evidence of the fact, and carry their inquiries no further; and the principle of this rule seemed to be a most reasonable one, namely, that, while the validity of a marriage may justly be made to depend upon matters which the parties may, and with due diligence would, know, it ought not to depend upon such points as they have no means of ascertaining; not to say that the Court itself, if it engaged in such an inquiry, would find that it had no means of conducting it to a conclusion, so as to ascertain whethor the orders of a Roman Catholic priest were valid or not. But the fact as to the practice of the Courts in such cases, was of itself quite sufficient to set at rest all the fears expressed by the noble Lord on the opposite side, that under the operation of the Bill, marriages celebrated by Roman Catholic priests would be declared invalid. And there was just as little ground for the apprehension that it would defeat the Charitable Bequests Act. Supposing, as the noble Lord thought, but, as it seemed, without any good reason, that the effect of the Bill would be to render the titles recognised in that Act, of "Archbishop, or Bishop, or other person in Holy Orders of the Church of Rome, officiating in any district, &c." unlawful, this would not prevent individuals from acting as trustees under a will in which they were described by these titles. The Courts of Law did not require that trustees or legatees should be designated by proper titles, such as they were properly entitled to, or could legally bear. It was enough if the designations were sufficient to enable them to identify the objects in the mind of the testator, so as to be sure that they were carrying out his intentions. This was the practice in the Courts in Ireland with respect to Roman Catholic bishops in that country. It was said that the Irish Courts had recognised their titles again and again as "Roman Catholic bishops," or "Catholic bishops" of certain dioceses. They never had done so. They had only applied in their case, as they would in any others, the rule which he had just stated. They had said, "This is not a proper designation, but it is a sufficient one. It enables us to ascertain the persons intended by the testator, and we will therefore carry out his intentions." He (the Bishop of Ossory) remembered to have heard of a will-case in the English Courts, which served to illustrate this rule. The will was a very strange document, written, as he remembered, in various coloured inks, red, blue, and black, and with the further singularity that, while the minor legatees, who were chiefly old servants, left in charge of different animals, all appeared under their proper names, all the principal legatees were designated by letters of the Greek alphabet. There was nothing to raise any doubt of the sanity of the testator, except the eccentricity of his will; and that the Court did not regard as sufficient to invalidate it. They therefore carried it out, so far as they were able to ascertain his intentions. There were some means, external to the document itself, by which they were enabled to ascertain to some extent the persons meant by the Greek letters, and to that extent the will was carried out; and he remembered, amongst others, an Eton boy took eight or ten thousand a year as Gamma. He thought it very likely that, if the story travelled to Eton, while the fortunate youth was there, he was pretty often called Gamma; and perhaps the name may have stuck to him after his school days. But he (the Bishop of Ossory did not suppose that it was ever maintained that the Court of Exchequer had decided that his name was Gamma; and yet there would have been about as good reason for such an assertion as for maintaining, as had so often been done, that the Courts of Law in Ireland had recognised the right of the Roman Catholic archbishops and bishops in Ireland to the style of Roman Catholic archbishops and bishops of the sees to which they pretend. In fact, there was a case in the Court of Queen's Bench in Ireland, which showed, very decidedly, that such titles were only received, as he said, as designations of persons, which, though improper and illegal, were yet sufficient to enable the Court, by means external to the will, as popular repute, and so forth, to identify the objects in the testator's mind. The case was this:—A property was left to the "Catholic bishop" of a certain see, and "his successors," with a life-use to the testator's wife. The Roman Catholic bishop, who was alive at the date of the will, died before the tenant for life; and the right of the bishop who came after him was tried, by the heir of the testator, who brought his ejectment. The heir succeeded. But, in the course of the trial, it seemed to be the opinion of the Court, that if the first devisee had survived the tenant for life, he might have taken under the will, because, though the title given to him was not one which the law acknowledged, yet it might be admitted as a popular description, enabling the Court to find him out. But they were unanimous in deciding that they could not admit any claim in an individual as his successor in office. This would be, not using the designation as a sufficient one, but admitting its strict legal propriety: admitting the Roman Catholic bishops to be a corporation, they, therefore, decided for the heir, with succession. And this decision showed conclusively, he said, that the utmost extent to which the recognition in the Irish Courts of such titles reached, was a sufficient, though improper, description of individuals, enabling the Court to identify them; and that not only did the recognition go no further, but that when they were asked to carry it farther, they positively refused. He had been anxious to clear up this point, which had been much mistaken, and in consequence much misrepresented. But what he said would also have the effect, he hoped, of setting at rest the apprehensions that the Commissioners of Charitable Bequests would be restrained by this Bill, if it passed into a law, from giving effect to trusts, even though made in conformity with the provisions of the Act by which the Commission was established, because this Bill, it was alleged, rendered illegal the titles which that Act recognised. It was not to be supposed that the Commissioners would feel themselves obliged or at liberty to proceed by shorter rules than the courts of law did; and he had shown that the courts of law did not require that trustees or legatees should be described by titles which the law gave them, or allowed them to bear. It was enough that the designations, whether proper or improper, legal or illegal, marked them out so as to allow them to be identified. And, even if it were true that the Bill would render the designations recognised in the Bequests Act illegal, which did not seem to be the case, it could not be pretended that it rendered them in any respect less sufficient, as enabling those who were concerned, Commissioners or others, to ascertain and identify the persons in the mind and intention of the testator.

On Question, Committee *divided*:—Content 26; Not-Content 77: Majority 51.

Resolved in the *Negative.*

On Clause 2,

The EARL of ELLENBOROUGH said, that this clause appeared not to have been carried through the other House with great care, for there was omitted from it the word "shall," which, in Parliamentary language, was considered so important, and there was inserted in it the words "such bull," without any bull whatever having been mentioned before. But he did not propose any amendment as to either, inasmuch as he apprehended it was the fixed determination of the Government, having a great majority in that House, not to afford the House of Commons an opportunity of reconsidering the Bill. He agreed with that part of the clause which put the assumption of titles of pretended sees on the same footing as the assumption of titles of existing sees. He felt bound to acquiesce in it, in consequence of having been a party to the Catholic Relief Bill. When that Act was passed, he thought the door was for ever closed on religious persecution. The noble and gallant Duke, in proposing that Bill, declared his object to be the establishment of religious peace; but he (the Earl of Ellenborough) felt convinced that the enactment in the latter part of this Bill would tend to establish religious discord. He deeply regretted that Her Majesty's Ministers had passed that limit within which they were justly entitled to legislate in consequence of the aggression which had been committed against Her Majesty's supremacy, and the independence of this Imperial State. He felt that an offence had been committed against the dignity of the Crown, and the independence of the State. He was ready to show his resentment for that offence; but he deeply regretted that it should seem fit to Her Majesty's Ministers to adopt a mode of legislation which could not touch the Pope himself, who was the principal offender, but which, whilst it touched in a certain degree those Englishmen who most improperly had taken part in this aggression, by accepting these titles, at the same time would strike at Ireland, where no offence had been committed, and which remained precisely in the state in which it had been for centuries. The measure was most unjust, as inflicting an undeserved penalty on the people of Ireland.

The EARL of MOUNTCASHELL moved that the word "such" be omitted from the clause.

Amendment *negatived.*

The DUKE of ARGYLL said, he had felt the necessity of placing on the table of the House an Amendment to this clause. On the second reading he expressed himself strongly in favour of the Bill, and therefore he was not prepared to do anything which would tend to throw the Bill out altogether. He had supported this Bill with the strongest feeling that they hap not seen the end of this matter. Looking at the feelings of the Roman Catholics, he thought they would have to legislate further, though not, he trusted, on this particular point. An address had lately, been signed by the Roman Catholic laity, which exhibited, in his opinion, a return to the most slavish doctrines of the Roman Catholic Church. As the Bill was first introduced into Parliament, the prohibition of these territorial titles was proposed to be enforced by two clauses. One imposed a penalty of 100*l.* upon those who assumed them; and there was this great advantage in that clause, that the principle of it had been assented to by those who supported the Relief Act. The penalty by that Act was applied to existing and ancient sees, the Roman Catholic prelates of which the Irish people had long been accustomed to consider as the bishops of these sees. Those who consented to that prohibition were hardly now entitled to say there was anything abstractedly unjust in the application of the same principle to these new sees. The penalty imposed by the Relief Act had been said to be useless; but he could not agree in this opinion, for the clause imposing the penalty had been like a millstone hung round the necks of the opponents of this Bill. That clause still remained on the Statute-book, and established the principle that these titles were illegal, and that the spiritual functions of the Roman Catholic priesthood could be carried on without the titles. He regretted the insertion of the words whereby the common informer was empowered to go to the Attorney General and call on him to institute a prosecution. Although he could not oppose these words as unjust in principle, yet he felt that, as far as the words went, they constituted an exceedingly objectionable part of the Bill. The noble Duke concluded by moving that the following words should be omitted from the end of the Second Clause:

"Or by action of debt at the suit of any person in one of Her Majesty's superior courts of Law, with the consent of Her Majesty's Attorney General in England and Ireland, or Her Majesty's Advocate in Scotland, as the case may be."

Moved, in the Second Clause, page 3, line 3, to leave out from the word "thereof," to the end of the clause.

The MARQUESS of LANSDOWNE remarked that the Government had opposed the insertion of these words, and that it had been owing to the conduct of the Irish and other Members, in leaving the House, that they had been carried. Since, however, the words were there, and since they could be of no practical effect, he thought that, to avoid further discussion as much as possible, they ought to be allowed to remain.

The EARL of ELLENBOROUGH strongly urged the omission of the words proposed to be left out. They were most objectionable, for however much they might be inclined to resist the late aggression by strong measures, they ought by no means to go beyond the Relief Act. He did not think that any Attorney General should possess the responsibility of instituting such prosecutions, and he presumed that Government would in most cases be consulted. Of all things which had been done in connexion with this subject, he considered the most unfortunate in practice would be the introduction of these words.

The LORD CHANCELLOR reminded their Lordships that it was owing to the absence of the Irish Members that the provision in question was found in the Bill. Its practical effect, however, was really nothing. If the Attorney General, when the informer came to him, thought that the case was not one to which the Act of Parliament was intended to be applied, he would refuse his certificate. The present provision looked vexatious, and he was sorry to see it in the Bill, but it made very little practical difference.

The EARL of ELLESMERE had deeply shared in the feelings of irritation which had been caused in this country by the recent acts of the Pope. He believed that "some enemy had done this," and that there were those to whom the aspect of religious peace and religious liberty in this country was an eyesore; but these advisers of the Pope had dug a pitfall for the Protestant people of this country, and had fallen into it themselves. He thought the present clause would place the law officers of the Crown in an unfair position, and that if it were thought necessary to embody a protest in a legislative form, the proposal of his noble Friend the noble Duke near him (the Duke of Newcastle) would have been a safer way of proceeding. The ecclesiastics of the Church of Rome might wear what dress and assume what title they pleased among themselves; but when they came within the jurisdiction of English law for the enjoyment of those sanctions under which they held their rights and privileges, it would not be unfair or unwise in them to leave those titles out of the question, and to come before Parliament in the character of Roman Catholic archbishops or bishops, but not in those titles of dioceses which they had chosen to assume. The Roman Catholic Church in this realm had been taunted with having no territorial titles, and it was not unnatural that the Pope should seek to remove this stigma by a stroke of his pen. His indignation against the aggression was certainly diminished by this consideration, and he should support the Amendment of the noble Duke.

The DUKE of NEWCASTLE said, he thought the Government had placed their Lordships in an unfair and improper position, for the noble and learned Lord on the woolsack had said the clause had been carried as it now stood in consequence of the absence of the Irish Members from the House, and that they must take the consequences. Was this an argument fit to be addressed to their Lordships? If the Irish Members had neglected their duty, it was no reason why their Lordships should neglect theirs. The words objected to surely must stand on their own merits. But their Lordships were in this peculiar position, that both the learned Lord on the woolsack, and the noble Marquess (the Marquess of Lansdowne), had declared that these words were disapproved of by the Government. Yet they had given no reason for declining to consent to their omission. And no reason could be suggested save this—a predetermination on the part of the Government to allow no alteration in the Bill, in order not to admit of its again being discussed in the other House. This involved an utter abdication not only of the functions of Government, but of legislation. Was it becoming for such a reason to permit such an important Bill to pass into law with words in it of which the Government disapproved? It was said that the words were unimportant. [The LORD CHANCELLOR: Hear, hear!] Yes; but this was the first time in the course of these discussions that such an opinion had been expressed; and the noble and learned Lord (Lord Lyndhurst) who had supported the Bill on that (the Opposition) side of the House, had declared that these words, now said to be useless, would give to the Bill all its practical value. It could not surely be pretended that the words had no effect, or that it was the same thing to entrust prosecution to parties responsible, and to parties perfectly irresponsible. It was not, however, necessary to argue the question, which might be rested on the statements of the two noble Lords, the Lord Chancellor and the Lord President, that they disapproved of the words proposed to be omitted.

EARL GREY did not think the noble Duke who had just sat down, had quite correctly apprehended what had fallen from his noble and learned Friend the Lord Chancellor. The argument of his noble and learned Friend was, that these words made no practical difference in the effect of the Bill; and that being the case, he (Earl Grey) was bound to say that the circumstances under which the addition to the clause had been carried, were not immaterial; and, looking to the whole tone of the proceedings in the House of Commons connected with this subject, he thought there was a public interest in avoiding a fresh discussion of this irritating subject in that House. The question really turned on the point as to whether the words made any practical difference or not. His noble and learned Friend had demonstrated that they did not. It was perfectly true that the common informer was enabled by this clause to bring an action for 100*l.*, but he was only enabled to do so by the assent of the Attorney General. Whether the words were there or not, he considered that the duty of the Attorney General was precisely the same. He had to consider whether the law had been really infringed, whether the evidence brought before him was sufficient to justify a prosecution, and whether a prosecution under the circumstances of the case was for the public interest. If the Government, being in possession of the violation of the law, were inclined to prosecute, then, whether these words remained in the Bill or not, the subject would be equally sure to be brought under the consideration of Parliament; and the Government would be obliged to state reasons why they had promoted or prevented the prosecution, as the case might be. The Attorney General would be in the same position in either case, whether the words were retained or omitted.

The EARL of MALMESBURY said, that the peculiar feeling of the people throughout the whole of Great Britain must be met by measures in accordance. The people of this country, alarmed as they were, would consider this clause of the utmost importance to the Bill, as they regarded the act of the Pope as an aggression on their religion and on the prerogative of their Sovereign. That was the value he set upon the clause, and he hoped it would form part of the Bill. He believed that the measure would stop any further invasion, because the cry that had been raised in the country had already, as he thought, prevented the continuance of similar aggressions. He had been told that the Pope had been prepared to appoint bishops in the north, but had been deterred by the expression of public opinion. This Bill, clothed with the dignity of Parliament, would convince the Pope that he could neither trifle with our feelings nor insult our religion.

On Question, "That the words proposed to be left out stand part of the Bill,"

Committee *divided*:—Content 61: Not-Content 26: Majority 35.

Resolved in the *Affirmative.*

VISCOUNT CANNING, alluding to the precedent he had referred to in the early part of the evening, of the petition presented to the Irish Parliament by the Roman Catholic prelates in 1793, signing themselves Roman Catholic archbishops and bishops of their respective provinces or sees, said he understood the noble and learned Lord (Lord Cranworth) to reply that the prefix of the words "Roman Catholic" made the territorial titles lawful. If so, then did this Bill propose to prohibit, in 1851, what was admitted to have been legal as long ago as 1793?

LORD CRANWORTH said, he had stated that the prefixing of those words would have made a great difference as regarded the impression produced on the public mind, if the new hierarchy had taken that course.

LORD MONTEAGLE was delighted to hear this, because he had given notice of his intention to propose on the third reading, a proviso excepting from the penalties of the Bill prelates who prefixed the words "Roman Catholic" to the territorial titles they used.

The MARQUESS of LANSDOWNE was glad to hear this, for the prefixing of those words would make all the difference. It was the determination with which the Roman Catholic bishops had abstained from thus assuming a title which they knew would remove all difficulties, and adopted titles which they knew would cause difficulties—it was this which had principally produced the opposition to the new hierarchy.

VISCOUNT CANNING presumed, from what the noble Marquess said, that the Bill would not prohibit the use of the territorial titles with the words "Roman Catholic" prefixed.

EARL GREY said, he believed the proviso to be proposed by his noble Friend (Lord Monteagle) would not be necessary, as the Bill would permit the use of the phraseology he proposed, that recognised in the Charitable Bequests Act, namely, "Roman Catholic archbishop (or bishop) officiating (or exercising spiritual jurisdiction) in the archdiocese (or diocese) of Dublin," &c.

VISCOUNT CANNING said, that did not answer his question, which was simply this, whether the form recognised by the Irish House of Commons as legal in 1793, would be permitted by the Bill, namely, "Roman Catholic Archbishop of Dublin."

EARL GREY said, his noble Friends (Lord Cranworth and the Marquess of Lansdowne) had already stated that the use of that phraseology, if it had been adopted from the first, would have obviated all objection in the minds of the public.

VISCOUNT CANNING said, that still his question remained unanswered; which was, whether this phraseology would be legal under this Bill? That was a simple question, and there should not be much difficulty in answering it.

LORD CRANWORTH had no hesitation in saying that, under the provisions of this Bill, a Roman Catholic ecclesiastic could not so designate himself without incurring its penalties.

VISCOUNT CANNING inquired whether, if this Bill were passed, it would be lawful for Dr. Murray, for example, to take, or his flock to address him by, the title of Roman Catholic Archbishop of Dublin, without being subject to a penalty of 100*l.*?

LORD CRANWORTH did not think that Roman Catholic bishops would be able to save themselves from the penalties of this Bill by prefixing "Roman Catholic" to the titles which some of them had hitherto assumed. Probably, however, had they contented themselves with the assumption of such qualified titles, the indignation of this country would not have been roused, as it justly had been, by their assumption of titles belonging to bishops of the Established Church.

VISCOUNT CANNING thanked the learned Lord; but begged to say, that considering the simplicity and importance of the question, it was somewhat surprising that no Member of the Government could answer it.

Clause *agreed to.*

Clause 3, exempting the Scotch Bishops from the operation of the Bill,

The EARL of ST. GERMANS rose to express his objection to the Clause, and moved that it be omitted.

The DUKE of ARGYLL differed entirely with the noble Lord and others who denied the right of Government to prohibit these titles. They had a perfect right to prohibit them. But the question then came — having the right, was it worth while to do so? With respect to the organised priesthood of the Roman Catholics, he considered that it was; but they were not therefore bound to say that it was worth their while to do so with respect to other bodies who might take the titles. In reference to the Scotch bishops, he was desirous of making a statement with reference to one of that body now in London, who had been advertised as "the Lord Bishop of Edinburgh," to preach a charity sermon. He (the Duke of Argyll) had the authority of that Bishop for saying he was entirely ignorant of the assumption ascribed to him. The notice was put in by other parties, who no doubt wished to make as much parade as possible. He uniformly avoided and repudiated any such assumption of title. He (the Duke of Argyll) was not prepared to vote for the expunging of this clause, as the Bill was at present worded; although, had it been differently drawn up, he might have voted against such a clause.

Amendment *negatived;* Clause agreed to; Clause 4 agreed to.

Preamble agreed to.

Bill *reported,* without Amendment.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, July 25, 1851.

MINUTES.] PUBLIC BILLS. — 2° Patent Law Amendment; Canada and New Brunswick Boundary.

Reported. — Emigration Advances, Distressed Districts (Scotland); Representative Peers for Scotland.

3° Administration of Criminal Justice Improvement.

STEAM NAVIGATION BILL.

Order for Committee read.

MR. ANDERSON would suggest that as the Bill had been considerably altered, it would be expedient to postpone the further consideration for a week.

Mr. LABOUCHERE said, that a postponement for a week would be fatal to the chance of the Bill passing this Session. It was important that it should pass, to prevent the prevailing overcrowding of steamboats, as well as to regulate their machinery, &c. The Bill had been considered very carefully upstairs by a Select Committee, who had given it a great deal of attention. To postpone its passing this Session, would be a public evil of no slight magnitude.

House in Committee.

Clause 1 *agreed to.*

Clause 2.

MR. HENLEY was fearful that inspection and approval of officers by Government officers, would go far to release the owners from responsibility.

MR. LABOUCHERE said, this was not the first time that a survey of vessels had been authorised. It was at present confined to the machinery; but as each owner had the power of choosing his own surveyor, the system was very inefficient. By establishing authorised surveyors, this evil would be remedied.

Clause *agreed to;* Clauses 3 to 47 inclusive *agreed to.*

Clause 48 (not to extend to ships of war or foreign vessels).

MR. HENLEY wished to know why it was that foreign vessels were not to be included in the Act? Why should not the French and Belgian vessels running across the Channel be subject to revision?

MR. LABOUCHERE said, that it would be impossible to include foreign vessels. The whole machinery of the Bill was made to apply to English vessels only. He had never heard of any case in which the Channel steamers, plying between Belgium or France and England only, were overcrowded.

MR. HENLEY said, the Bill proposed to tax the owner of British vessels four, six, or eight guineas a year for surveying, whilst foreign vessels were let off without any charge whatever.

MR. LABOUCHERE said, that foreign Governments were equally particular in looking to the safety of their vessels. In the United States of America, experience had shown that as soon as we passed the Passengers' Act, the Government of the United States immediately passed a similar law with regard to its own vessels, as it found a decided preference given to English vessels.

MR. BOUVERIE said, that the Act intended to make the owners alone responsible, and that it would be impossible to reach foreign owners.

MR. W. WILLIAMS would support the proposition to include foreign vessels.

MR. LABOUCHERE said, if the hon. Gentleman the Member for Oxfordshire (Mr. Henley) would frame a Clause embodying his views, he could bring it up on the report, although he (Mr. Labouchere) would not pledge himself to accept it. He feared that the Amendment proposed would impede the passing of the measure, as alterations would have to be made all through the Bill.

CAPTAIN SCOBELL apprehended that if foreign vessels were to be included, the States to which they belonged would retaliate, and tax our vessels.

MR. HENLEY said, he should propose to omit the latter part of the Clause.

Amendment proposed, page 18, line 9, to leave out from the words "Ships of War," to the end of the Clause.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 38; Noes 13: Majority 25.

Clause *agreed to.*

Mr. MUNTZ moved the insertion of a Clause of which he had given notice. It was useless, he said, to pass a law to compel the supervision of machinery so long as the engineer had it in his power to endanger the lives of all the passengers by tampering with the safety valve. A great number of accidents had happened in consequence of the negligence and recklessness of engineers in this respect. In the case of the *Cricket,* it was notorious that the safety valves had been tied down for seven days together. The case was the same with the *Glasgow,* where the carelessness of the engineer had led to the accident. Nothing could secure the public until they were relieved from the effect of this carelessness.

Clause—

> "And be it enacted, That from and after the first day of January, one thousand eight hundred and fifty-two, it shall not be lawful for any Steam Boat to go to sea, or to steam upon the rivers of the United Kingdom, without having a safety valve upon each boiler, free from the care of the engineer, and out of his control and interference, and also subject to the approval of the Surveyors acting under this Act."

Brought up, and read 1°.

MR. LABOUCHERE declined to agree to the Clause, although he admitted the necessity of having two safety valves. He did not think, however, that Parliament ought to set a precedent by legislating as to what description of machinery should be used in steam vessels, and he would therefore oppose the Clause.

MR. SPOONER would support the Clause. The argument of the right hon. Gentleman the President of the Board of Trade amounted to this—that it would be improper for Parliament to prescribe what was safe. Why, that was the whole principle of the Bill.

MR. LOCKE thought it would be a dangerous precedent to interfere with the management of steam engines; as they would lead parties to suppose that they were relieved from the responsibility which properly attached to them. He believed an additional safety valve could do no possible harm; but the Committee could not stop with such a recommendation, and their interference would ultimately do much more harm than good.

MR. EDWARDS entreated the hon. Member for Birmingham to persist in pressing his clause to a division; for if ever a subject was brought before Parliament requiring legislation, this was one. True, the clause had reference only to boilers used in steam navigation; but if once passed into law, a case was made out which would apply equally to engine boilers employed in factories, where serious calamities were of constant occurrence. In his own borough one of the most dreadful on record happened last year, where a mill was literally blown to atoms, and numbers of its inmates perished on the spot, possibly in consequence of the want of that which this clause was directed to remedy. It was certainly high time for the Government to interfere, and he was convinced that some strict supervision was required as a security to the lives of the parties who at present were so entirely at the mercy of the engineer.

MR. MUNTZ said, he had been endeavouring to carry this improvement for the last ten years; and the Government had always opposed him. He felt that he should not be doing his duty to society if he did not press his Amendment, and therefore he should take the sense of the Committee upon it.

Motion made, and Question proposed, "That the said Clause be now read a Second Time."

The Committee *divided*:—Ayes 37; Noes 13: Majority 24.

Clause *agreed to*.

House resumed; Bill *reported* as amended.

PATENT LAW AMENDMENT BILL.

Order for Second Reading read.

The ATTORNEY GENERAL, in moving the Second Reading of the Patent Law Amendment Bill, said, that for some time past complaints had been made, as to the delay, the uncertainty, and the expense attendant upon the granting of patents, and it was impossible to deny that those complaints had considerable foundation. The consequence was that much inquiry and discussion on the subject had taken place. A Committee had been recently appointed by the other House of Parliament, and, in pursuit of its labours, the matter had been fully canvassed, and the result was that a Bill had been sent to them by that House for their adoption. That Bill adopted as its fundamental principle that patents for inventions should be granted to persons who contributed useful inventions and discoveries for the benefit of society. He was aware that an opinion had been expressed by individuals whose opinions were entitled to considerable weight, but who still formed only a small minority amongst those whose attention had been directed to the subject, that patents might be altogether dispensed with: in that opinion, however, he (the Attorney General) for one could not concur. Every person must admit that it should be the object of legislation to develop to the utmost possible extent the discoveries of those inventors that were calculated to contribute to the wants, comforts, and enjoyments of mankind; and though it might be true that the desire of benefiting their species, and obtaining the praise and approbation of their fellow-men, would be a strong motive and incentive towards inventing that which they required, still any person having an acquaintance with human nature must admit that such motives and inducements would be less efficacious than the hope and desire of individual reward. It seldom happened that those discoveries were made by the possession of great and scientific knowledge, or by a happy inspiration alone; they were generally the results of much labour, long experience, and were often accompanied with great expense. When, by time, labour, and experiments, inventions were brought to maturity, they still required a large outlay of capital, and a long period of time, to introduce them amongst the public, for whose benefit they were intended. If there was no inducement held out to a discoverer but that his invention would be useful to society, and if he were to look solely to motives of a disinterested character, it was quite clear they would not have one-half of the discoveries that were now constantly brought forward. This Bill proceeded upon this principle, namely, that where persons invented things that were new and useful to society, they should have the reward which the Patent Laws gave. As an inducement to others to invent, it was considered that the most appropriate mode of giving that reward, would be by giving them a monopoly for a limited period, in the invention they had made. Thus, without drawing on the public purse (except in a modified mode, by which the patent would enable the patentee to derive a benefit), the reward would become commensurate to the value of the invention. This Bill dealt with the mode in which the object of granting patents should be carried out. Some persons had lately started the notion that there should be no inquiry as to whether a man should have a patent or not. It was said they should allow a man to claim an invention as novel, and that on registering that invention he should without inquiry be entitled to the patent rights, and to maintain them against the rest of mankind. It seemed to him (the Attorney General) that they ought to pursue a different course. They ought to guard the public against the assumption of rights to which the individual was not entitled in case his invention was neither new nor useful; they should guard other inventors that had preceded him, and protect them by a cheap process, without driving them into expensive litigation for the protection of their rights. Now, that being so, he came to the next question. By what mode or system were they to determine the question whether or not a person was entitled to the rights which he would have under a patent? They were all agreed that the present system was bad. Its great vice was its costliness. As the matter now stood, every application for a patent must pass through seven different stages, or go through so many different public offices. Every applicant petitioning for a patent had his petition, in the first instance, referred to the Secretary of State for the Home Department, by whom it was submitted to the law officers of the Crown. The law officers then referred it back to the Secretary of State for what was called the Queen's Warrant. Having obtained that, the applicant was then referred to the Patent Office, for the Queen's Bill; thence he was sent to the Signet Office, for the Signet Bill; thence to the Privy Council Office, for the Privy Council Bill; and thence to the office of the Great Seal, where the warrant was eventually made out for the issue of the patent. In passing through each of those seven different stages, a certain amount of fees were to be paid; and yet five at least of those stages were wholly useless. The cost of taking out an ordinary patent in England at present amounted to 94*l.* 15*s.* In addition to that, if a man wanted to extend his patent to Scotland, he had to go through five other offices in Scotland, at an additional expense of 63*l.* If, again, he was desirous of applying his patent to Ireland, he had five other offices to through in that country, involving a further outlay of 119*l.*; making the whole cost of taking out his patent in England, Scotland, and Ireland, no less than 276*l.* 15*s.* If there happened to be two persons interested in the patent, the additional fees consequent upon that circumstance, raised the sum on the whole to very nearly 300*l.* Now, by the present Bill, it was proposed to sweep away the greater part of those fees, and to have one common patent for the three Kingdoms, by which means the trouble and expense consequent upon taking out a patent hereafter would be most materially reduced. The Bill also proposed to give an inventor this additional advantage, namely, to divide the sum total which he would have to pay on taking out his patent into three separate payments, of which the smallest would be made on the granting of the patent, the next at the end of three years, and the last and largest at the end of seven years. This would give poor men an opportunity which they did not at present possess, of protecting inventions till such time as they might be able to derive advantage from them, and at a cost adapted to their means. At present the great majority of patents taken out fell to the ground, and produced no fruit to the patentee. By this Bill it was proposed, in the first instance, that the cost of the patent should be limited to 20*l.*, with an additional 5*l.* for stamp duty. At the end of three years—the interval being spent by the patentee in testing the value of his invention in public, or in obtaining the assistance of capitalists in carrying it into operation, he might have a renewal for four years more, on payment of 40*l.* and 10*l.* stamp duty. He then obtained a patent for seven years. At the end of that period, if the patent was calculated to be beneficial to the public, and therefore beneficial to the patentee, he could extend his right for seven other years, by paying an additional sum of 80*l.*, and a further stamp duty of 20*l.* Therefore the cost of obtaining the patent would be lowered from 300*l.* to 175*l.*, the payment of which would be distributed over a period of seven years; but in the course of time they would be able, after that compensation had been got rid of, to lower the expense of taking out a patent considerably further than they felt warranted in doing in the first instance. The next consideration was with respect to the tribunal which was to determine whether a party was entitled to a patent or not. The House was aware that hitherto the solution of that question had rested entirely with the law officers of the Crown. Two great objections had been taken to the existing tribunal, and he thought those objections were well founded, constituted as that tribunal was at present. It was said, in the first place, that that tribunal was a secret one. That was a great objection, but the secrecy did not arise from the will or inclination of the law officers, but from the necessity of the case. It arose in this way. The rights which were acquired under a patent dated from the period when the patent was granted. The report of the law officers on the merits of the invention was made at an early stage of the proceedings. It was the object, therefore, of the inventor that, until his patent was sealed, no one but himself should know what was the nature of his invention. On the other hand, a party opposing the invention on the ground of want of novelty, or that he had a prior claim to its discovery, had a right to appear before the law officers and state his case. The unavoidable result was that the law officers were obliged to hear each of the parties separately with closed doors, lest, in the event of the inventions turning out to be dissimilar, the principle of each man's invention might be discovered to the other, or to the world. Nothing could exceed the anxiety shown by the rival applicants on those occasions lest the tribunal should disclose, by the questions which they put, their respective inventions. As they were about to abolish five out of the seven stages through which applicants must now pass, there would be compensation to be given to certain parties; and this obliged them to take a large margin at starting. To remedy that state of things, the Bill proposed to enable a man, at the same time that he applied for a patent, to lodge in the office of the Commissioners to be appointed under its provisions a provisional specification; that was to say, a statement corresponding with that which was now required by the law officers—which provisional specification was to state the precise nature and the general features of the invention. As soon as he had deposited that provisional specification, it was proposed to give him protection for six months, or in certain cases for nine months. He would then be at liberty to use his invention before the public during that time. Whether that would be a desirable thing, he (the Attorney General) would then not stop to inquire. It was also proposed to require a man objecting to a patent to lodge his objection with the Commissioners beforehand, There would likewise be an open tribunal, and the parties would be heard before one another, by which arrangement all secrecy would be done away with. There was another objection to the existing tribunal, namely, the incompetency, the almost unavoidable incompetency, of the law officers to decide questions involving intricate and nice points in mechanics, chemistry, and general science. It appeared to the Government that the best mode of proceeding would be to constitute a board of examiners, consisting of persons having a reputation for scientific knowledge, to whom, in the first place, the provisional specification should be referred, and who would be required to report as to its propriety, and on the question of conflicting rights, in cases where such should arise, to the law officers of the Crown. He was happy to say that on that point the expenses would not be increased. The law officers of the Crown were perfectly willing to make a personal sacrifice in that respect, in order that the public might obtain the full benefit of the proposed arrangement. With regard to the provisional specification, the six or nine months' protection which would be afforded to the patentee would enable him to take his invention into the market with a view to obtain the assistance of capitalists in carrying it into practical operation—a benefit which under the present system was wholly impossible. The Bill also provided for the proper classification of all patents, for the transcription and publication of all specifications, and for a register of patents and of proprietors, which might be inspected by the public from time to time. At present it often happened that when a man had devoted his time, his patience, and his money to an invention, and imagined that he was on the eve of reaping the fruits of his labours, he found that some one else had anticipated him, that a patent was already in force for the particular invention he had made, and that therefore all his labour and expense went for nought. Now, in order to avoid this, two provisions were introduced into the Bill; and it was also provided that when recourse was had to a court of law, the court entertaining the question should be invested with an equitable jurisdiction, so that a court once seized of the matter would be entitled to decide it on equitable principles, without putting the parties to the expense of further litigation. There was another clause, with respect to which he had some doubt, namely, one which provided, where an invention had been practised in a foreign country, that that circumstance should be fatal to any patent right with regard to it in this country. As the law now stood, it did seem inconsistent that a man who discovered that in some foreign country a particular invention had been brought into use, by bringing that invention to England should acquire the same rights as if he had been the original inventor; and that, if the latter should come to this country to obtain a patent, his right should be defeated by the fact that some person had come here before him, and taken out a patent in respect to it. The provision to which he had referred would remedy that injustice. For his part, he should have preferred that a man who brought to this country an invention which had been practised abroad, should acquire some right, but not a right equal to that which ought to be given to the original inventor. The object of any patent law ought to be to introduce for the benefit of this country all inventions which could possibly be had, whether they had originated in this or any other country. He had now stated the general principles of the Bill; and although it might be said there was still more to be done for the patentee, and that the Government was now only dealing with the mode in which the law regarding patents was administered, he could not help thinking the House would agree with him that they were making progress in the right direction—that the law would be greatly improved—and that the expense now attendant upon obtaining patents would be materially diminished.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. J. L. RICARDO said, the House had some reason to complain of the manner in which this subject had been treated by the Government. He submitted that there ought to have been no legislation on the subject of the Patent Law until they had thoroughly investigated the question in all its complicated bearings. Hon. Members were called upon to affirm its principle before they had time to digest the evidence on which it professed to be founded. In another place two Bills had been introduced on the subject, one by an independent Member of the Legislature, and another by the Vice-President of the Board of Trade. Those Bills were referred to a Select Committee, and the result was, that another Bill, quite distinct from those two, had been submitted to the House. The hon. and learned Gentleman (the Attorney General) said that the fundamental principle of this Bill was to encourage that which the Vice-President of the Board of Trade had stated to be a principle to which he was opposed, namely, the affording facilities for obtaining patents. The hon. and learned Gentleman said, the fundamental principle of the Bill was to give a stimulus to inventions; and the way in which he gave a stimulus to inventions was by granting a monopoly for a certain number of years, to the prejudice of the public. The hon. and learned Gentleman pretended to reward the inventor by means of a monopoly; but he (Mr. Ricardo) contended that no monopoly was granted to the inventor at all, for not only was he to encounter as great a competition as before, but he was liable to be attacked on every side by his competitors, and subjected to immense expense in defending his patent. He (Mr. Ricardo) did not mean to defend the present system at all. From the Attorney General down to the official denominated "Chaff-wax," the whole system was an abomination which ought to be done away with. He was supported in those opinions by Mr. Lloyd, Mr. Cubitt, Mr. Brunel, and the present right hon. and learned Master of the Rolls, who all agreed with him in thinking that the whole principle of the patent system was bad, and ought to be abolished. All the great inventions and discoveries by such men as Liebig, Brunel, and Stephenson, were made without any encouragement from patents; and it was only small inventions in the making of sealing-wax, great coats, or paletots, that seemed to require the protection of a patent. Such inventions as those of paper, of glass, of printing, were all made without the stimulus of patents. A great deal had been said in that House about the monopoly of landowners; but he thought they should carry out the principle a great deal further, and apply it to the question now before the House.

MR. MACGREGOR would vote for the second reading of the Bill, reserving his objections to the details for the Committee. It was disgraceful to this as a commercial country that its patent laws were so cumbrous, and that the expenses of procuring patents were so enormous. In this respect we contrasted unfavourably with the legislation of France and of the United States. He differed altogether with the hon. Member for Stoke-upon-Trent (Mr. Ricardo) as to the principle of patents. He denied altogether that a patentee was a monopolist. A man had as perfect a right to ownership in the production of his own intellect as to any other property which he might be possessed of. He further believed that society would be a great loser by the abolition of the whole principle of patents.

MR. LABOUCHERE would not have interfered in this discussion, after the full and lucid statement of the hon. and learned Attorney General, but for the observations made by his hon. Friend the Member for Stoke-upon-Trent. His hon. Friend had complained of the delay in the introduction of this Bill. He was afraid, looking back to the manner in which the Session had been passed, that it would have received but a scanty consideration at any earlier period. But in his opinion the delay had been advantageous; for there never was a measure which had been marked by more care in its preparation and arrangement. A most unobjectionable Committee of the other House had gone into a most complete inquiry in regard to it, and had examined those witnesses who were the most capable of affording extensive and accurate information on the subject. It was true that some members of that Committee, among others his noble Friend and Colleague (Lord Granville), had come to the same conclusion as that at which the hon. Gentleman (Mr. Ricardo) had arrived, namely, that, as an abstract question, the whole principle of the Patent Laws was false and erroneous; but, after a full investigation, the decision of the Committee was, that in the present state of opinion in Parliament on the matter, and in the present condition of the patent laws, inflicting serious practical evils upon the community, it was expedient to have this Bill passed into law with the utmost speed. He (Mr. Labouchere) would express no opinion upon the abstract question. He entertained a high respect for the views of his hon. Friend, backed as those views were by such eminent authorities as Mr. Brunel, Mr. Cubitt, and his right hon. and learned Friend the Master of the Rolls. But, our present Patent Laws being a reproach to the legislature, it would be the grossest injustice to the public not to attempt an alteration, and to wait until public opinion was ripe for such a sweeping alteration as that which his hon. Friend proposed. There were particular reasons to be found in the events of the present year in favour of this measure. It was well known that there was a large number of valuable inventions displayed in the Great Exhibition—that these inventions had been provisionally registered by their proprietors for one year—and that, in order that they might be fully protected, they would have to be again registered next year, as the law stood, at a very great expense. He thought that every Member of the House would agree with him that it was but fair to provide economical facilities for the protection of these parties. There was another merit in the Bill, which ought greatly to recommend it. It took the Colonies altogether out of the scope of our patent laws. At present colonial legislatures could grant patents, and the consequence was, that patents were procured in England and the colonies for the same thing, leading to a double system, and to extreme litigation and confusion. A remedy for this evil had long been wanted, and was now supplied. He hoped that the House would remember the outcry which was raised for such a Bill as this at the beginning of the Session. This Bill might be defective, but at any rate it was a practical step in the right direction, and would be attended with immense benefits. It had received the approbation of many hundreds of persons interested in patents, and such of the details as were objectionable could easily be remedied in Committee. The introduction of this Bill came with peculiar grace from his hon. and learned Friend the Attorney General, who would be deprived of a considerable portion of his emoluments by it.

Sir De LACY EVANS gave his sanction to the principle of the Bill, and would therefore vote for the second reading. He did not agree with his hon. Friend the Member for Stoke-upon-Trent as to the evil arising from patents; and as his hon. Friend was the proprietor of about thirty-seven patents, he ought, in consistency with the argument he had addressed to the House, to throw them all up and present them to the public.

Mr. ROUNDELL PALMER thought that the House would have approached the consideration of this measure under more favourable circumstances if it had been more accurately informed as to the exact views of the parties by whom it was introduced, upon the principle of the patent laws. The hon. and learned Attorney General had intimated an opinion that the principle was a good one; but the right hon. Gentleman the President of the Board of Trade, in more cautious language than that used by a noble Lord (Earl Granville) in another place, had suggested a disbelief in the value of the principle. It was, therefore, impossible to say upon what ground the Government went in this measure. He (Mr. Palmer) dissented from the views of the hon. Member for Stoke-upon-Trent (Mr. Ricardo), and assented to the view taken by his hon. and learned Friend the Attorney General. It was as complete a fallacy as ever was uttered to say, that the grant of a patent was the concession of a monopoly for a certain number of years, to the prejudice of the public. The public was only asked to pay fairly for fourteen years for an invention which they could never have got but for the inducement of the patent, the whole of the public at the end of the fourteen years being enabled to compete on equal terms with the inventor. The class who contributed by their ingenuity and their inventive genius to the happiness of mankind were a special class, and they would never apply their minds to the arts and sciences, but for the assurance which they saw in the patent law of an eventual remuneration. The hon. Member for Stoke-upon-Trent had mentioned eminent persons who had been distinguished for great inventions, but who had not sought the protection of patents. The hon. Member said that the inventors of small things required patents, but that the inventors of great and useful things never needed patents. The hon. Member went very far back, instancing old inventions, such as those of paper and glass. But let the House look practically at modern examples. Was Arkwright a useful and great inventor, and did not he possess a patent? Did not Wheatstone claim to be placed among the great inventors? The steam-engine and the electric telegraph were patented inventions, and the steam-engine patents had been productive of great profits to the patentees, while no one would combat the advantages derived by the public. They might look to matters of a much smaller character. Macintosh, who applied India rubber to the arts and conveniences of life, was a patentee. The invention of gutta percha was patented. The steam screw propeller was a patented invention. He might, indeed, say that nearly all the useful inventions of later times had been patented inventions, most of them having owed their origin to men who had devoted their whole lives to the discoveries, and who were entitled to the most ample remuneration through their patents. The exceptions confirmed the rule. One instance of an unpatented invention, whereby undue loss had accrued to the inventor, he could mention. The lightning rods for ships, from which the public had derived enormous benefit, were invented by a certain constituent of his (Mr. Palmer's) Sir William Snow Harris. He was happy to say that the noble Lord opposite had recognised the merits of William Snow Harris, even before the invention to which he alluded. But he did trust that his merits would be taken into consideration, and receive a just reward; but as yet he had obtained no remuneration commensurate with the advantage he had conferred upon the community by the application of lightning conductors to ships. Such men as these required the security of the patent laws as a stimulus, and without that stimulus the arts and sciences would be without the impulses which now attended them. These being his opinions in favour of the principle of patents, he thought that the Bill before the House did not go half far enough. If the principle was good, why not grapple with it in the most straightforward way, and carry it out legitimately? He felt no alarm at a probable multiplicity of patents. He did not see why they were not to deal with patents as with copyrights. The author of a literary work got in a simple way all the advantages of his book, holding exclusive copyright of it. The inventor of a design for manufacturing purposes registered his design for *5s.*; and if the design was new, he had all the benefit of the novelty for a certain period. This some persons called monopoly; but it was nothing more than a simple equivalent for the exercise of ingenuity. Copyright of the same kind was extended to music, and to works of art of every description. Why not deal in the same way with specifications of inventions for which "patents" were required? Why could not specifications be registered for *5s.* as well as designs? Nothing was gained by the process which this Bill, after all, would only modify; and he was indeed ashamed that the proposal was still to compel an expense of 175*l.* to an inventor, for a protection for fourteen years. The principle was that the inventor had a right to his patent—it was not a bargain; and why was he not permitted to claim this right in the shortest and simplest way? A patent was so much waste paper if the thing patented was not an absolute novelty. All the expense might be incurred; and if the invention was not new, the law could be resorted to by previous patentees. An invention, at last, must stand upon its own merits; and he wanted to know why it might not stand on its own merits at first, to the avoidance of all this cost? There might be frivolous patents if the cost were done away with. But the principle of the law was not to inquire whether the patent was frivolous, but whether it was new and useful in its degree. He came, therefore, to the conclusion that this Bill might have safely gone much farther; but under the circumstances he would not offer any opposition to the second reading.

Mr. W. WILLIAMS wished to know from what source the Commissioners who were to award compensation under this Bill were to be paid? As to the necessity of the present measure, no doubt could be entertained about it. He understood there were not less than 700 persons waiting to take out patents under the cheaper plan to be established by this Bill.

Mr. MUNTZ said, he had been for some twenty years engaged in litigation on the subject of inventions; he felt therefore competent to give an opinion upon this subject. He did not consider the Patent Law to have any connnexion whatever with a monopoly. It was a sort of recompense to a man for his ingenuity. No greater blow could be struck against the inventive genius of this country than by the abolition of the law of patents.

Mr. Alderman SIDNEY said, that one would have thought from the speech of the hon. and learned Attorney General that they were giving up a large proportion of their fees. Now, he did not think that in the year 1852 there would be fewer patents taken out than there were in 1847. And in the latter year he found that the number of patents taken out in England was 498, in Scotland 168, and in Ireland 76, which gave a gross sum of 87,640*l.* In the improved state of the law he expected that at least the same number of patents would be taken out next year, and assuming that they were to be had at the reduced cost proposed by this measure, the amount would be not 87,640*l.*, but, when complete, 129,850*l.* In Committee he would be prepared to move amendments which would greatly modify the fees. He thought it a great hardship that an inventor should have to pay 175*l.* for a patent for the three kingdoms for fourteen years, when on the Continent it could be had at a very diminished rate of cost; and when the patent was given on the Continent, the patentee was thoroughly protected, and was not, as here, obliged in many cases to defend his patent, generally at a ruinous expense, in a Court of Law. He objected also to the clause which prohibited patents for inventions brought from abroad, and thought that that clause would require, at least, to be modified in Committee.

The SOLICITOR GENERAL said, the hon. Alderman had misunderstood the operation of the proposed Bill, and had not adverted to the fact that the new scale of patents was to be a graduated one. The present law required an expense of upwards of 300*l.* for a patent for the United Kingdom for fourteen years; but the present Bill proposed that a patent for three years for the three kingdoms should be granted for 25*l.* He believed there would be a greatly increased number of patents taken out at that sum; and the advantage of fixing such a period for a patent was, that in the course of three years the inventor would be enabled to ascertain whether his patent was worth keeping, or whether by that time it had not been superseded by some other invention. He believed that a great number of these patents, however useful they might be at first, would be practically useless at the end of three years; and that a considerably diminished number of patents would be renewed for another period of years, which the Bill allowed at a cost of 50*l.*, thus making a cost of 75*l.* for a patent for seven years. As they thus proceeded sifting the chaff, as he might say, from the wheat, it would be found that at the end of seven years a very small number of patents, and those only the really important ones, would be renewed for another period of seven years; and it was on these that the heavy expenses fell. Something had been said about the emoluments reaped by the law officers of the Crown from the conferring of patents; and the hon. Member for Stafford (Mr. Alderman Sidney) had talked as if the whole of the 80,000*l.* or 90,000*l.* that was received from patentees went to the law officers; but he must state that a large proportion of the expenses went for stamps, and a large portion to the Consolidated Fund; and out of the 109*l.* that was now exacted as the price of an English patent, not more than 9*l.* or 10*l.* went to the law officers. The hon. and learned Member for Plymouth (Mr. R. Palmer) stated, that patents might be granted like copyrights or the registration of designs, on a fee of five shillings, or ten shillings; but he must state, as the result of his inquiries, that it was not desirable to make patents cheap, or to pass them without examination; and he might mention, as an instance of the evil effects of doing so, the case of a person who took out a patent respecting hack cabs, not because he had really made any positive invention, but that he might afterwards go about annoying the unfortunate cab-drivers, telling them that they had pirated his invention, and so extorting from them ten to twenty shillings a head.

The Solicitor General

He hoped the House would pass this Bill with as little delay as possible, as he had received daily communications from patent agents, stating that their business was entirely at a standstill till they saw how the House disposed of this measure. He might state that 500 persons had taken advantage of the Act passed last year for the protection of inventions placed in the Great Exhibition. Of course all these persons would not apply for patents. They would have learned from the Exhibition itself, that, in many cases, what they supposed were their own inventions had already been anticipated by others; and that, he thought, was an important advantage, not only of the Exhibition, but of the provisions of this Bill, which protected inventions for six months after the specifications were published before the patent was secured.

Mr. WAKLEY was not quite satisfied that the law here proposed would be the best that could be adopted. He agreed with the hon. and learned Attorney General that it was most important to protect inventions, as it would tend to give a stimulus to inventors. He thought the law of copyright and of patent ought to be the same. He could not understand the difference between the two cases. He saw no reason why a man who invented a piece of machinery should not be protected for the same term as a man who had written a work. This Bill was by no means simple. He trembled at the words "a Board of Examiners." They carried on their proceedings in secret, and he thought it would be better to refer the thing to one man, who should give his decision and his reasons for it in public. The Board might be divided into departments, and the head of each department give his decision and his reasons for that decision in public. Unless this were done, the greatest injustice would ensue. In this matter there was no stauncher protectionist in the House than himself. What did the public do for inventors? They often treated them with scandalous neglect. What was done for Harvey or for Jenner, in his own profession? Jenner's family were absolutely in want; there were no monuments to his memory, and his name was almost unknown in this country. The inventor was entitled to a vested right in his invention.

Bill read 2°.

EMIGRATION ADVANCES, DISTRESSED DISTRICTS (SCOTLAND) BILL.

Order for Committee read.

House in Committee.

Clause 1.

MR. SHARMAN CRAWFORD wished to call the attention of the House to the great distress existing in the Highlands of Scotland, and would suggest that some measure should be introduced similar to that which had been passed with respect to Ireland.

MR. J. STUART said, that a system of legislation had been introduced with regard to Ireland alone, which ought to be more generally applied. He highly approved of the principle of this Bill. With reference to the distress to which it was intended to apply, a great portion of that distress was in the Western Isles, in which some of the estates were in the hands either of infants or of other parties not precisely of the denomination of owners. He would suggest that, on the third reading of the Bill, an Interpretation Clause should be added to it, showing how its provisions would apply to such cases. He wished to call to the recollection of the Committee a petition he had presented, during the present Session, from a gentleman of the name of Martin, a most intelligent proprietor in Skye, in which, with reference to the mode of repayment of the advances for emigration from the distressed districts in Scotland, it was recommended that some security for such repayment should be taken on the lands assigned to the emigrants in the colonies to which they might transfer themselves. He thanked the Government for having taken up this subject, and hoped the points to which he had referred would engage their attention.

The CHANCELLOR OF THE EXCHEQUER could assure the hon. and learned Gentleman that he had listened with interest to the suggestions he had thrown out. No doubt the distress in many parts of the Highlands was deplorable; but he was of opinion that it was not at all so dreadful as it had been represented by some interested parties. It was, however, sufficiently aggravated to warrant the introduction of such a Bill as the present; and he was happy to find that the measure had met the approbation of the hon. and learned Member for Newark, whose suggestions for its improvement in matters of minor detail should be attentively considered. He had no doubt that the works contemplated by the Bill would be attended with advantageous results.

MR. COWAN begged to offer his cordial thanks to the Government for having brought forward the present measure, and also for the genuine sympathy which they had at all times manifested in the sufferings of the destitute poor in the Highlands and Islands of Scotland. He approved of the Bill, and would give it his unhesitating support; but he hoped that the Government would next Session take into consideration the practicability of introducing some alterations in the law of entail, and some modifications of the relations between landlord and tenant, which would supersede the necessity of emigration—a step to which the Highlander was known to entertain the strongest objection.

MR. MACGREGOR said, that it was not easy to get the inhabitants to leave their native place; but when at the close of the American war some of them emigrated to the banks of the St. Lawrence, they and their descendants became a thriving, and even a wealthy population, and a great benefit to the colony. If they now got land at a cheap rate in the west of Newfoundland, where a good deal of fish was to be had, he thought they would greatly benefit that colony as well as improve their own condition.

MR. WAKLEY should like to know how the emigration of the bone and muscle of these districts could at the same time improve the colony to which these poor people were sent, and the owners of property in the Highlands and Islands of Scotland, from which they were sent. He thought this measure would afford only a partial and insufficient remedy for the distress which existed, and that it would lay the foundation for still greater misery. When there were hundreds of thousands of acres required for grouse and deer, the poor people must have short commons. He thought that an efficient Poor Law would be the best mode of making the owners of land find employment for the poor.

MR. J. STUART said, that the hon. Gentleman was not acquainted with the condition of society in these localities; if he were, he would not speak as he did.

MR. HENLEY was apprehensive that the position of the incumbrancers might be prejudiced by the contemplated advances.

The CHANCELLOR OF THE EXCHEQUER considered that the security of the incumbrancers would be improved in proportion to the improvement of the estate.

Clause *agreed to*:—as were the remaining clauses.

House resumed.

Bill *reported* without Amendment.

METROPOLITAN INTERMENT (ADVANCES) BILL.

Order of Committee read.

House in Committee.

The CHANCELLOR OF THE EXCHEQUER said, he could not expect the same concurrence as on the last measure which had been under consideration; but the subject was one of great difficulty, in whatever aspect it was viewed. The proposal he had to make was, he thought, the least objectionable that could be suggested, and would leave Parliament in another Session to deal more satisfactorily with the subject than it could be dealt with in the present. He wished to state the whole difficulty. The House would remember that in consequence of reports which made known the disgraceful state of many burial grounds in this metropolis, an Act of Parliament passed, vesting in the Board of Health the charge of providing interment for persons dying within a certain distance. The House was also in possession of a report from the Board of Health stating their views; and it might be remembered that what they thought indispensable was, that they should be constituted a permanent body, and should have, practically, a monopoly of burials, receiving a fee for every person dying in the metropolitan district. The Act provided only for the temporary duration of the Board, and did not give them the complete power which was considered necessary to insure adequate provision being made for effecting the object in view. Till recently there seemed no reason to doubt that the Board of Health would be able to carry out the intentions of the Act. They thought it necessary that they should be in possession of all the burial grounds in the metropolitan district, and they applied to the Treasury, without whose sanction they could not proceed, for powers to purchase all these cemeteries. The Treasury thought that was going faster than was expedient, and he (the Chancellor of the Exchequer) refused his permission. But it seemed that the possession of one or two cemeteries would enable them to close the graveyards in the metropolis, and enable those whose graveyards were closed to obtain burying grounds. There appeared to be not the least doubt that the Board of Health would be enabled to obtain from some of the great insurance companies the loan of the sum they might require. Most positive assurances were given by those companies, who expressed their readiness to lend money to the extent of 100,000*l.* The Board were authorised to engage in negotiations for the purchase of one or two cemeteries; and, finding they could not come to a voluntary agreement with the parties concerned in these, the necessary notices were given with reference to the Brompton and Nunhead cemeteries, and the matter submitted to arbitration. The question as to the sum to be paid was pending before the arbiter, and on his award the transaction would be complete. On the closing of graveyards, in consequence, compensation to churchwardens and others would become due, as well as the interest of the money borrowed for the purchase of the cemeteries. It appeared, however, eventually, that unless the Board of Health could obtain the character of permanence and the monopoly of the burials, they could not give such security as would induce the insurance companies, or other great bodies, to lend the money necessary to carry out the Act of last Session. He very much doubted whether the House of Commons would be inclined to confer those powers; and the question was one of so great importance that it would be neither proper nor fair to make a proposition to that effect at this period of the Session. Under these circumstances, then, what was it possible to do? For in execution of the Act of Parliament the Board proceeded to negotiate for the purchase of these two cemeteries; and unless they had the means at their disposal for paying the sum which might be awarded, great injustice would be done to the cemetery companies with whom negotiations had been held, and the whole Act would be reduced to a dead letter. There might be reasons in another Session for depriving the Board of Health of its executive powers, and reducing its powers to those of a Board of Control, throwing either on the parishes or on districts, or on parties, the charge of providing the means of burial elsewhere. It was utterly impossible, however, to pass an Act of that kind during the present Session. What was the course, then, which met the existing difficulty in the readiest mode? To meet that difficulty, the difficulty of finding the means for paying for these two cemeteries with which negotiations had been commenced (and no future liability, no liability of any kind would be incurred besides that to which the Government were pledged by the proceedings before the arbiter), he must take an outline estimate.

The proposal, therefore, which he believed best, was, that the Treasury should be allowed to advance to the Board of Health the means of paying what sum might be awarded for the purchase of the two cemeteries he had mentioned, that no further expense of any kind should be incurred, and that the whole question beyond the purchase of those two cemeteries should be left open to Parliament for decision in another Session. If that course were not followed, there would be no means whatever of excluding burial grounds from the metropolis. He would take a vote for 137,000*l.*, which he believed would be considerably more than would be required; but he must, of course, have the means of paying the award of the arbitrator, whatever that might be.

Motion made, and Question put—

"That provision be made, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, for the Advance, by way of Loan, of such sum, not exceeding in the whole the sum of 137,000*l.*, as may be necessary for the purposes of the General Board of Health, pursuant to the Act of the thirteenth and fourteenth years of Her present Majesty, chapter 52, The Metropolitan Interments Act, 1850."

SIR BENJAMIN HALL thought the inhabitants of the metropolis had reason to complain that legislation affecting their interests was proposed so late in the Session. The Board of Health ought long before to have known that they were not in a condition, under the provisions of the Act of Parliament, to obtain the sums of money they required. There would not be objection to the expenditure of 14,850*l.* during last year had the public been benefited, but they had no knowledge of any good which had resulted from the proceedings of that irresponsible body. There was so much distrust of the Board of Health in the metropolis, that they would not feel disposed to enable the right hon. Chancellor of the Exchequer to advance this money to be expended under the management of a body which was irresponsible, and from which no good had been seen to arise. If it was necessary to raise this sum, they had the power to levy a rate of a penny in the pound upon the parishes; but they did not do this because they knew there would be a general outcry against it. He had rather sacrifice a sum of money to the cemetery companies as forfeit, than advance this money to the Board of Health. But they had no evidence to show that these negotiations had gone so far that it would be necessary either to complete them or pay forfeit. He did not impute blame to the right hon. Chancellor of the Exchequer, who, he believed, had no knowledge of the proceedings. He thought the vote ought to be postponed. There was a Committee sitting upstairs, on a most important subject affecting the metropolis; but, judging from evidence taken before the Committee, as well as from statements in the public journals, it seemed not improbable that they might recommend an amalgamation of such a kind as would place under some control various subjects relating to the metropolis; for instance, interments, water, and sewers.

MR. WAKLEY said, that notwithstanding the energy with which the Metropolitan Cemeteries Act had been pressed through the House, yet the old practices prevailed; and it was not known what the Board had done. The Brompton Cemetery was almost in the metropolis, being only about two miles from Hyde Park Corner, yet the object of the Act was to provide that interments should take place at a distance from the metropolis. The whole plan of the Board of Health appeared crude and irregular; nothing was correctly defined, nothing duly arranged. Something effectual might surely be done this Session. A Bill might be passed to prevent intramural interments after one year. That might be done next week. The parishes would immediately make the requisite arrangements for interments. No explanation had been given as to the incomes of the cemeteries on account of which the advances were sought.

COLONEL CHATTERTON: Sir, I beg to call the attention of the Government to 2,000 acres of land at Woking-common, which have been obtained by the above company, whose petition I presented. I am convinced that if they avail themselves of the facilities presented by the company, whose site possessed all the requirements of the Board of Health, and the purchase money for which was only 57,000*l.*, the arrangements for extramural interments would be so cheap as to render the lavish expenditure contemplated by the grant wholly unnecessary.

MR. JACOB BELL understood that it was not the intention of the owners to sell the field referred to in the meantime. He should be exceedingly sorry to see the system commenced of the Board of Health taking possession of graveyards, and he trusted no money would be given by the House for such a purpose.

Lord JOHN RUSSELL wished to hear some hon. Gentleman point out a practical mode of getting rid of the difficulty. The Committee should bear in mind the possibility of some serious epidemic coming upon them, when it would be necessary, as a matter of safety, to close many of the graveyards. In that case, unless other and convenient burying places were within ordinary reach, the consequences to the poor would be very serious. It might be no inconvenience for the rich, who could afford to go to a great distance, or in the case of paupers buried at the expense of the parish; but what would become of the poorer portions of the community, belonging to neither of these classes? The Metropolitan Interment Act provided, that when any graveyard was closed by an Order in Council, there should be some other cemetery put in possession of the Board. It was clear, therefore, that they could not shut up the present graveyards, whatever might be the evils arising from them, unless that part of the Act was followed out. With regard to the Board of Health, the original proposal was that there should be a new Board constituted for the purpose of carrying the Act into effect. But the Government did not think it right to make such new board, with new machinery, and therefore they proposed that the Board of Health should be intrusted with the execution of the Act. This was agreed to; but previously the House was of opinion that a separate board ought to have been established for that purpose.

Mr. BRIGHT said, the noble Lord spoke of the possibility of an epidemic coming upon them, and then asked what the poor would do when interments had to take place at a great distance from towns? But the noble Lord forgot that the Board of Health's graveyards would be more distant than any now in existence. The Bill before the House gave power to buy all the cemeteries in and about London, and to leave the management in the hands of the Board of Health; but he hoped Parliament would hesitate before it granted any such powers. It would be much better to pay the forfeit incurred by not concluding the negotiations, than to vote away this large sum of 137,000*l*. It was quite ridiculous to leave the working out of a great scheme like this in the hands of the Board of Health, which was composed of the Earl of Shaftesbury, Mr. Chadwick, and Dr. Southwood Smith. Men like these might make very valuable suggestions on sanitary subjects, but it did not follow that they had the qualifications requisite for carrying them out. Enthusiasts on the subject of sanitary reform were not exactly the men best fitted to work out their own suggestions. The noble Lord, therefore, should adopt some mode by which these sanitary schemes would be placed under representative control. There was no end to the expense of boards like the present, and they uniformly led to all kinds of jobbing. He suggested that they should leave matters as they now were, and that next year the Government should come forward with some fitting and comprehensive scheme of management.

Mr. FORSTER said, he had lived forty years in London, and nothing had given him more pain or disgust than the state of the graveyards.

Mr. HENLEY wished to know what advantage they had got from the Bill so hastily passed last Session, when the right hon. Chancellor of the Exchequer was obliged to come down and ask for 137,000*l*.? It was quite evident that nobody had any confidence in the management now going on; then, what was the hurry for so much money? What was to prevent the Board of Health renting sufficient ground for interment purposes, should we, unfortunately, be afflicted with cholera, or some other epidemic? He saw no necessity, therefore, for the present advance.

Lord SEYMOUR said, if the Act of last year was to be carried out, it was necessary that burying grounds should be provided. If, however, the Committee did not wish to carry out the Act of last Session, then, of course, they would come to the conclusion that additional places of interment were not necessary.

Mr. W. WILLIAMS said, there was so great a desire in the metropolis to close the graveyards, that there would be no objection to voting any sum of money to purchase ground, provided a proper system was adopted. No necessity had been shown for purchasing the two cemeteries mentioned by the right hon. Chancellor of the Exchequer, and he must characterise it as a job. What they wanted was a comprehensive scheme for closing all the graveyards.

The CHANCELLOR of the EXCHEQUER said, the hon. Gentleman was ready to vote any sum of money to close the graveyards. He (the Chancellor of the Exchequer) proposed to buy two cemeteries in order to carry out that object, and the hon. Gentleman refused the money. If he was enabled to buy a cemetery, he could close all the graveyards; if he did not get a cemetery, he could not close one.

MR. D'EYNCOURT had had communications from his constituents within the last few days, in which they expressed the greatest anxiety lest the measure of last year should be altogether abandoned; and he feared, if the Committee negatived the Motion of the Chancellor of the Exchequer, it would appear to the people of the metropolis that the measure was entirely abandoned. He should, therefore, support the proposition of the Government.

MR. LOCKE understood the only object for which the money was required was to get rid of the difficulty into which the Board of Health had been led.

LORD JOHN RUSSELL said, the great difficulty was, how they could shut up any of the graveyards without a vote of this kind. They did not agree to the extent to which the Board of Health had carried their plan, namely, that the whole of the graveyards of the metropolis should be shut up; but, so far as their plan proposed that the graveyards in the crowded parts of the metropolis should be shut up, they agreed with the Board of Health.

MR. BRIGHT would ask if they could not make arrangements with a cemetery company, and then direct the parties in a parish to apply to that cemetery company? If the Chancellor of the Exchequer got the Vote, he should bring in a Bill to apply it, and he might introduce a Clause empowering the Board of Health, with the consent of the Secretary of State for the Home Department, to close any churchyard where it seemed absolutely necessary to do so. He believed this to be an arrant job, and he should be failing in his duty if he did not protest against it.

The CHANCELLOR OF THE EXCHEQUER said, they could not pass a Bill for closing the graveyards without providing compensation.

MR. WAKLEY said, a year ago full power was given to raise money to provide extramural interments, and notwithstanding that, nothing had been done. He thought the best way of getting out of the difficulty would be to move that the Chairman report progress.

LORD JOHN RUSSELL said, the hon. Member (Mr. Wakley) had stated that nothing had been done for a year, and therefore to satisfy the people the hon. Member moved that nothing should be done for another year.

MR. REYNOLDS said, it was hardly fair for the noble Lord at the head of the Government to taunt him in the early part of the evening with impeding the public business, considering that at that hour (half-past twelve) the House had only got into Committee on the Metropolitan Interment Bill.

The Committee *divided*:—Ayes 50; Noes 26: Majority 24.

MR. REYNOLDS said, he must protest against the Vote as most profligate. This was a Vote from the Consolidated Fund to provide cemeteries for the richest metropolis in the world, whilst every other city was left to provide for itself. There was a talk of a 1*d*. rate; but nobody believed that that would ever be available. The House of Commons had refused money this Session for charitable institutions in Ireland; and he hoped that this improper application of public funds would not pass unobserved.

The House resumed.

The House adjourned at half after One o'clock.

HOUSE OF COMMONS,

Saturday, July 26, 1851.

MINUTES.] PUBLIC BILLS.—1° Metropolitan Interment; New Zealand Settlement.

Reported — Battersea Park Amendment and Extension.

3° Consolidated Fund (Appropriation); Representative Peers for Scotland.

IMPROVEMENT OF TOWNS (IRELAND) BILL.

Order for Committee read.

SIR ROBERT FERGUSON said, he wished to ask whether the Government had any intention of passing this Bill in the present Session? If they had not that intention, he hoped that the time of the House would not be uselessly taken up by discussing the 330 clauses which were in the Bill.

The CHANCELLOR OF THE EXCHEQUER said, that many Gentlemen connected with Ireland wished the Bill to proceed, and he must deprecate any preliminary discussion, which would only have the effect of postponing it for the present Session.

House in Committee.

Clauses 1 to 85, inclusive, *agreed to.*

Clause 86 being read, which provided that any person keeping any house of entertainment, who knowingly permitted any prostitute or thief to remain therein, should be liable to a fine of 5*l*., MR. REYNOLDS said, he must protest against so arbitrary a clause, which could never be enforced. If it were attempted to be carried out in London, it would have the effect of shutting up three-fourths of the houses of entertainment and taverns of the metropolis, as it would place them at the mercy of any common informer. He moved, therefore, that the Clause be expunged.

MR. HATCHELL said, he agreed with the hon. Gentleman that the Clause was too stringent. He should be content to leave the matter in the hands of the justices, who had the power, in cases of misconduct, of withdrawing the licence.

COLONEL CHATTERTON said, it would be utterly impossible by such means to put down the evil.

MR. G. A. HAMILTON said, the clause was evidently a Scotch one.

MR. SERJEANT MURPHY said, the question had been well considered in the Metropolitan Police Act, and no interference was permitted where these parties behaved themselves properly.

Clause *struck out.*

Clause 87 to 119 inclusive, *agreed to.*

On Clause 120, regulating the hours at which bathing should be allowed,

MR. REYNOLDS said, he saw some Scotch morality in this Clause, or rather an attempt to establish morality by Act of Parliament. The Clause provided a penalty upon parties indecently exposing themselves when bathing; but he should be glad to know how persons bathing were to avoid this. He could not understand it, and thought the clause might be omitted with safety.

SIR WILLIAM SOMERVILLE said, he must support the Clause, which he considered very essential.

MR. NAPIER said, he must complain of the nuisance of bathing, which prevented persons taking exercise in the early part of the day. There were hundreds of persons to be seen daily bathing in the Serpentine in broad daylight.

MR. REYNOLDS would remind the hon. and learned Gentleman that the moral hours in the Serpentine were after eight in the morning, and up to eight at night, within which time no persons were permitted to bathe. The present Clause was an insinuation against the morality of the people of Ireland, and they were attempting to bind her up by Act of Parliament. It was a libel on the country.

DR. POWER said, that the steamers going down the river at Cork were greatly inconvenienced by the number of men and boys bathing, who approached so near the vessels that it was impossible for females to look over the sides.

SIR DENHAM NORREYS said, he should support the Clause. Penalties were necessary to protect the public.

MR. GOOLD said, if the ladies on board these steamers were annoyed, it was their own fault. Why could they not look in another direction?

Motion made, and Question put, "That the Clause stand part of the Bill."

The Committee *divided:* — Ayes 38; Noes 8: Majority 30.

Clause *agreed to;* as were Clauses 121 to 171, inclusive.

Clause 172.

MR. G. A. HAMILTON moved, that the Clauses from 172 to 181 inclusive, be struck out of the Bill. The Clauses related to markets, and he contended that the question of markets was one which ought to be treated on a much wider basis, and not to be legislated upon piecemeal.

SIR WILLIAM SOMERVILLE was willing to consent to the omission of the Clauses 172 and 173, because he believed they were imperfect, and he thought it might be better to introduce a separate measure on the subject next year.

MR. ROCHE considered that the whole subject of markets should be taken up by the Government, and dealt with in a comprehensive measure to be introduced early next Session, so as to afford an opportunity for fully discussing the question.

MR. SCULLY supported the Clauses as an instalment of justice to the agriculturists of Ireland.

The CHANCELLOR OF THE EXCHEQUER said, the simple question was, were the Clauses to be left out, and a separate measure introduced for the regulation of the markets, or were they to remain, and to be amended or modified next Session? It did not much matter which result was obtained; but he wished to suggest that if a division was to take place on the Motion, it would be as well to divide at once.

Motion made and Question put, "That the Clause as amended stand part of the Bill."

The Committee *divided:*—Ayes 29; Noes 10: Majority 19.

Clause *agreed to;* as were also Clauses 173 to 180, inclusive.

On Clause 181, which provided for the regulation of the sale of butter,

MR. SERJEANT MURPHY moved, that

the city of Cork be excepted from the operation of this clause. At the Cork butter market a system of weighing had long been established which had raised that market to a state of great prosperity and of well-deserved celebrity throughout Ireland; and that system had never once been made the subject of complaint. Now, this clause would have the effect of compelling parties living withing four miles of any town included in the Bill, to have their butter weighed by a totally new system. The clause would, therefore, be an officious interference with an existing system which worked admirably and gave general satisfaction; and as he believed it could only be attended with mischievous consequences, he proposed that the city of Cork should be exempted from the operation of this clause.

Sir WILLIAM SOMERVILLE consented to the Motion, and the city of Cork was exempted accordingly.

The CHANCELLOR of the EXCHEQUER then moved that the Chairman report progress. The Committee had been going on with the clauses relating to markets irregularly, because it was necessary that an instruction should have been given to the Committee to introduce these clauses, and that preliminary step had never been taken. If progress was reported, however, that omission could be repaired.

House resumed; Committee report progress.

The House adjourned at Four o'clock.

HOUSE OF LORDS,

Monday, July 28, 1851.

Minutes.] Public Bills.—1ª Battersea Park Amendment and Extension; Consolidated Fund (Appropriation); Customs; Poor Relief Act Continuance; Sheep, &c. Contagious Disorders Prevention; Emigration Advances (Distressed Districts Scotland); Commissioners of Railways Act Repeal.

2ª General Board of Health (No. 2); Militia Pay; Soap Duties; Mercantile Marine Act Amendment; Merchant Seamen's Fund; Leasehold Tenure of Land (Ireland) Act Amendment; Farmers' Estate Society (Ireland).

Reported.—Local Acts (Preliminary Inquiries); Episcopal and Capitular Estates Management (No. 2); Copyhold, Inclosure, and Tithe Commissions; Commons Inclosure (No. 2); Civil Bills, &c. (Ireland); Charitable Institutions Notices.

3ª Tithe Rentcharge Assessment; Public Works (Ireland); Victoria Park; Unlawful Oaths (Ireland); Turnpike Roads (Ireland); Private Lunatic Asylums (Ireland).

APPELLATE JURISDICTION.

The Earl of ABERDEEN said, he had a question to put to the noble Marquess opposite (the Marquess of Lansdowne), connected with the appellate jurisdiction of that House; and he did so at the request of a noble and learned Friend, who was unfortunately now unavoidably absent, and whose opinion on this subject appeared to have been misunderstood. He (the Earl of Aberdeen) understood that there had been communications going on between Her Majesty's Government and the Faculty of Advocates in Scotland, with respect to the propriety of obtaining the assistance of a Scotch assessor in the hearing of appeal cases from that country. Now, his noble and learned Friend had been represented as expressing his approbation of that proposal, whereas all those who had heard the speech of his noble and learned Friend were aware that his opinions were directly the reverse of that. His noble and learned Friend had said, that this question had often been considered by Lord Eldon and his successors, and that they had invariably come to the conclusion that the proposal was impracticable. His noble and learned Friend was anxious to have this mistake corrected; and he (the Earl of Aberdeen) wished to know from the noble Marquess whether such communications as he had referred to had taken place, and whether the Government had arrived at any decision on the subject?

The Marquess of LANSDOWNE (who was very indistinctly heard) was understood to reply that some correspondence of the nature stated by the noble Earl had taken place; but the Government had come to no determination on the matter.

SMITHFIELD MARKET REMOVAL BILL.

Amendments *reported* (according to Order.)

Earl GRANVILLE then rose to move certain Amendments on the Report of the Select Committee. His object was to obtain the omission of certain clauses which had been inserted in the Bill by the Select Committee (namely, of Clauses b, c, d, e, and f), and the restoration of certain Sections (namely, xxxvii., xxxviii., and xxxix.), which the Committee had struck out. The clauses to which he objected were those which directed compensation to be given to the Corporation of the City of London. He thought that those clauses must have been introduced inadvertently by the Committee; and were, as he had already stated, only carried by a majority of one. The Committee then thought that there was no reason for retaining the optional clauses of the Bill introduced by the Commons, inasmuch as the Corporation of London had declared that it had no interest in Smithfield market, and had declined the option of managing the new market, as tendered to them. Now, he thought that it would be fair to the Corporation, while moving that the compensation clauses should be omitted, to move also that the optional clauses should be reinserted. He hoped that no Member of the Committee would feel that he was acting unfairly by them when he endeavoured to reverse their decision; for, if their Lordships, on referring a Bill to a Select Committee, were to be bound not to deviate from its report, there was no occasion for having further stages in the Bill. They would, indeed, be stultifying themselves by such a decision, especially in such cases as the present, where the report was only carried by a narrow majority of one. The other plea offered against his Motion was, that the Corporation had a charter, and that their Lordships ought not to meddle with the vested interests which they enjoyed under it. Now, the Corporation had stated that they had no interest in Smithfield market, and that they had not claimed compensation in the House of Commons on that account. When he reminded their Lordships that the Bill had been passed by a large majority in the House of Commons, and that it was the universal opinion in both Houses that Smithfield market, as now conducted, was a public nuisance, he thought that they ought not to pass the Bill in its present state—which would insure its rejection in the House of Commons during the present Session—but that they should adopt his Amendment, and restore, the Bill to the condition in which it was when it first reached their Lordships.

Moved, to omit Clause B.

EARL POWIS said, that the clauses in question had been considerably discussed in Committee—the Judges had been called in and consulted on the subject, and in consequence of their opinion the Committee had inserted the compensation clauses. If their Lordships now reversed the decision of the Committee, of what value would Committees of their Lordships' House be? If the reports of Committees were thus set aside, it would be a mockery to sit on Committees hereafter. It had been shown that in 1845 the City of London had received an income of 5,000*l.* from Smithfield market; and it was but fair that they should be compensated for the loss of such a revenue. The optional clauses, as they were called, gave the Corporation power to form a new market, but they did not give them any power to purchase lands. Without very much higher tolls than the Bill gave, the Corporation could not afford to purchase the necessary site. Therefore, the offer of the management of the market was a mere pretence to cheat them out of compensation. As to the alteration in the Bill being an invasion of the privileges of the other House, he considered that if the House of Commons would not waive the objection, there was sufficient time for another Bill to be brought in and passed. If they took away the rights of the Corporation in this manner without compensation, it would go far to shake the security of all property in the kingdom.

The BISHOP of OSSORY said, that having been, he need hardly say, very unwillingly, a Member of the Committee whose report was under consideration, he felt it to be necessary to state the grounds on which he had voted for the Clauses introduced in Committee, which it was now proposed to omit. He had come to the conclusion that it was, on the whole, for the public benefit, that the site of the market should be changed. For though, he felt obliged to acknowledge, much more had been said and proved than he had beforehand thought possible, both as to the advantages of the central situation of the existing market, and as to the extent to which the acknowledged disadvantages and evils of its limited area would be remedied, by the enlargement and improvements which the Corporation were prepared to effect; yet, looking to the prospective increase of the supply of the metropolitan cattle market, he thought it better for the public that the site should be changed to one in which it would be comparatively easy to make the further enlargements which were likely to be required from time to time; and also to provide lairs and public slaughter-houses, in connection with the market, by which the evils of driving through the City from the market, would be so much lessened. On these grounds he had felt it to be right to vote for the removal. But he, at the same time, had felt bound to vote for compensation to the Corporation of London, from whom the removal would take away the tolls and other emoluments arising from Smithfield Market. He held that the rights of property, whether of corporate bodies or of individuals, were not to stand in the way of a measure which the interests or the convenience of the public required. But on the other hand, he believed it was an acknowledged principle, as he was sure it ought to be, that, when to serve the public interests or convenience, the property, whether of individuals or of corporations, is injured or taken away, the public are bound to make compensation for such injury or loss. And, accordingly, finding the Corporation in possession of a clear income of 5,000*l.* per annum from the market, which they held by a charter of Edward III., confirmed by Act of Parliament, he had felt no doubt that if, for the public benefit, they ought to be deprived of this income, they ought, at the same time, to be compensated for the loss. It had been said that the Corporation had no claim to compensation, because they had no rights of property in the case. He supposed that it was meant that they had no right to divide those funds, or to expend them, for the benefit of the individual members of the Corporation. He did not know whether such was the fact; but in his judgment it made no difference whether it was so or not. For if the members of the Corporation had no such direct personal interest in this fund, yet the Corporation was the trustee of the fund, and the guardian of the corporate interests for which it was to be expended. And he believed that the rights of corporations to the incomes which they enjoy, without considering the personal interest of their members in those incomes, had been always as distinctly recognised and respected by the House, as the rights of individuals. In the case of the very right in question, the principle that it was not to be impaired without compensation, was distinctly affirmed by Parliament in the Islington Market Bill, in which compensation to the amount to which the establishment of that market might diminish the revenue from Smithfield was secured to the Corporation. It had been said too, that the claim of the Corporation was shown to be unfounded by the fact that it had not been put forward before the Committee of the House of Commons; that it was first thought of when the Bill came before the Committee of their Lordships' House; and that the Committee had been imposed upon by the statement of the counsel for the Corporation, to the effect that it was usual to reserve such a claim for a Committee in the Lords, when the object was to throw out the Bill altogether. And it had been said that this statement was contrary to the fact. He, of course, did not pretend to know what the practice in such cases was; but the statement referred to was distinctly made by the counsel for the Corporation, and he did not recollect that it was contradicted by the counsel for the Bill. This he did recollect, however, that in confirmation of their statement of the practice in such cases, the counsel for the Corporation had distinctly stated, and that the statement had not been contradicted, that in the Islington Market Bill the course which they stated to be the usual one had been actually pursued: that neither before the Committee of the Commons, nor at any other stage of the Bill in the Lower House, had any claim for compensation been put forward on the part of the Corporation: that the claim was, for the first time, put forward before the Select Committee of the House of Lords; that it was there admitted, and that the compensation clause, as it now stands in the Act, was then and there introduced into it. This was distinctly stated, and was not contradicted; and he thought that it was of more weight than any bare assertion of the practice on either side could be. But, to his mind, this was a matter of minor importance. The question with him was not whether the Corporation claim had or had not been put forward in the usual mode, or whether the mode in which it was put forward was or was not open to objection, but whether it was or was not founded in justice. What his opinion on that question was, was sufficiently apparent from what he had said. In fact, he had felt so thoroughly the justice of the claim, that, in voting in Committee for the Preamble of the Bill, he stated that he was doing so on the presumption that the Corporation would be compensated for the loss which they were to suffer by the removal; and that if fair compensation were not granted to them, he would feel constrained to vote against the Bill. He felt in the same way still. He believed that if Parliament were to pass an Act, by which, for the benefit or convenience of the public, the property of the Corporation was to be taken away without compensation, it would be doing what was absolutely without precedent, and what was itself a most dangerous precedent, and he, therefore, felt obliged to vote against the proposed Amendments.

The EARL of LONSDALE said, that

ever since he had been in Parliament he had entertained but one impression as to the nuisance of Smithfield market. He thought that the Corporation of London ought to suffer the penalty which it deserved for not having claimed compensation, if it had any claim to it, in the House of Commons. This market had been voted a nuisance by both Houses of Parliament, and, instead of giving the Corporation any compensation for its removal, he would rather fine them 5,000*l.* a month until they should remove it.

The EARL of ELLENBOROUGH observed, that when he first came into Parliament he had taken the part of the Corporation of London on this matter. He recollected well that as he was leaving the House on that occasion the late Earl of Liverpool took him by the arm and said, "Let me, as an old Member, give you, who are a young one, a little piece of advice. Never have anything to do with the Corporation of the City of London. Its members are the greatest jobbers I have ever known in the whole course of my political life." Not having studied the subject anew, the recollection of that anecdote would prevent him from voting on either one side or the other on this occasion.

VISCOUNT SIDNEY stated, that as a Member of the Committee, he had been of opinion that no case for compensation had been made out by the Corporation. He should therefore give his vote in favour of the Amendment of the noble Earl.

The MARQUESS of SALISBURY said, he should support the clauses introduced by the Committee, believing that they had gone through the case most carefully, and had satisfied themselves of the claim of the City to compensation. The terms of the Charter of Edward III. expressly provided that no other market should be established within seven miles. Nothing could be more destructive of the confidence of the country than to take away those chartered rights without giving compensation.

The EARL of HARROWBY did not mean to contend that these chartered rights ought to stand in the way of improvement, but he thought that compensation ought to be given. He would suppose the case of the Mansion House itself being moved for the sake of widening the street, and asked if compensation was not as justly due in this case as it would be for the Mansion House? It would be exceedingly difficult to draw a line betwixt this and other kinds of property.

LORD BEAUMONT said, the question ought to be decided on its own merits, without reference to precedent. The moment the Preamble of the Bill was declared to be proved, away went the charter and all belonging to it: it was a virtual repeal of the charter. ["No, no!"] At all events, the preamble was declared proved. The grant of the charter had been originally made for the public good, and not for the sake of putting money into the pockets of the Corporation; the latter was an accidental circumstance. By the Bill, as proposed in the Commons, compensation was given them by their being allowed to manage the new markets; they were placed in as good a position as that they now occupied. Looking at the small majority of one in the Committee for the compensation, and believing that the City would be perfectly compensated by the reinsertion of the original clauses, he should vote for the Bill being restored to that form.

LORD COLCHESTER referred to the establishment of the Islington market, and said that the small number of buyers and sellers resorting thither was a proof that the buyers and sellers of cattle had no dislike to Smithfield market. He thought the compensation would not injure the buyers and sellers of cattle, and ought to be consented to on the ground of the great principle involved.

LORD REDESDALE said, he could never sanction property being taken away without compensation. If ever Lynch law had been practised in this country, it had been brought to bear against the Corporation of London in this case. If they were to be treated in this way, their property being taken away, no man's property would be safe. The Corporation was not to blame for the market having continued on that spot; they had sought its removal, but could not obtain the sanction of Parliament. The compensation proposed was on a most fair principle; and unless it were granted, great injustice would be inflicted.

LORD CRANWORTH did not think the Bill interfered in any way with the rights of property. In point of fact, and of law, the Corporation of London had no right to compensation. The short facts were these:—The charter, as it was called, under which the Corporation claimed, was, in point of fact, an Act of Parliament passed in the reign of Edward III., and by which Smithfield market was established. But, even suppose a Royal Charter had been granted conferring exclusive privileges, the terms of the charter must in that case be strictly observed. The Corporation, in such case, would be bound to keep the market in such a state that there would be adequate and complete facilities given to all the parties who resorted to it. Now, it was a matter of notoriety that Smithfield market did not answer the purpose for which they could assume that a charter had been granted. Now, that being so, his noble and learned Friend on the woolsack would tell their Lordships that, by *scire facias*, the letters patent might be repealed. There would be no compensation then. But Smithfield market, as he had already said, was established by Act of Parliament, and they would be in no better position under an Act of Parliament than under Royal Charters. He, however, entirely approved of the concession which had been made to the Corporation by the Commons—granting them their privileges at another market, the right of levying tolls, &c.; but this was the utmost the Corporation of London could expect. Let him remind their Lordships that Smithfield market, as originally founded by the Act, was outside the walls of the town: it was then convenient that it should occupy its present site, but circumstances had since occurred which rendered it an intolerable nuisance. When it was said by the noble Lord that this measure was brought forward because of popular feeling, he would only remark that 99 out of 100 who knew any thing upon the subject were in favour of its removal. Interested parties wished to hold that which they were not entitled to hold. It was intended by the Legislature that a convenient market should be maintained; but it never could be intended that a disgraceful nuisance should be perpetuated. The Corporation had no absolute or legal right to compensation; but they had an equitable claim to be put as nearly as possible in the same position with respect to their rights and privileges, after as before the passing of the Bill; and this had been amply provided for by the clauses introduced by the Commons, and now proposed to be restored. Their Lordships would be acting with a slavish deference to what was improperly termed vested interests, if they acted upon any other principle. He supported the Motion of the noble Earl.

After a few words from Earl BATHURST,

EARL GRANVILLE replied: After the observations of the noble Lord (Lord Cranworth), he hoped their Lordships would dismiss from their minds any fear of dealing injuriously with vested interests.

On Question, "That the said Clause stand part of the Bill,"

Their Lordships *divided*:—Content 15: Not Content 59; Majority 44.

Resolved in the *Negative.*

Further Amendments made; and Bill to be read 3ª *To-morrow.*

MERCHANT SEAMEN'S FUND BILL.

Order of the Day for Second Reading read.

EARL GRANVILLE moved that the Bill be now read 2ª.

The EARL of ELLENBOROUGH said, he some time ago addressed a few observations to their Lordships, in the hope that the Government would be induced to reconsider the plan then before the House of Commons, and one clause to which he then alluded had since been amended. If it had been possible to induce their Lordships at this period of the Session, for the sake of the great financial interests involved in the measure, to delay its passing until the House of Commons could reconsider the subject, he would have endeavoured to produce that impression. The Government, he thought, could not be aware of the extent to which the revenue would be affected by the inconsiderate manner in which the clause had been framed. It would cause a loss of between 400,000*l.* and 500,000*l.* before the clause could be finally wound up. Under the existing law there were 160,000 seamen upon this fund, three-fourths of whom had already acquired a right to pensions. The parties engaged in the foreign trade, who were employed on the average for nine months in one year, paid 9*s.* Those engaged in the coasting trade averaged about six months, and paid 6*s.* The first class would therefore pay 27*s.* during three years, and the latter 18*s.* Under this clause, if a seaman paid 2*s.* in the first quarter of three years, he would save himself from forfeiting his right during that period, and the loss to the revenue would amount to 120,000*l.* The fund was treated in the Bill as one fund, but there was a fund to every port, and the trustees of those funds, which had been well managed, complained that an average was to be struck between them and those which had been ill managed. It appeared, also, that pensioners were to be paid on the average of the last five years, and it was to be left to the Board of Trade to determine the mode of taking the average. He thought it would have been much better if the Act had defined the rights of the parties, and he did not approve of their being left at the discretion of a board. He also objected to the ambiguity of the clause, which was so worded that in all probability many of the seamen would lose their pensions. Though by this Bill these pensions would be very burdensome to the State, yet from the reading of the clause as to the payments by the seamen, he thought it would work great hardship in individual cases. Although he did not expect that these observations would produce any effect, he trusted that the measure would operate as a caution to the Government never to permit any Bill to be introduced into the House of Commons which in the smallest degree touched on financial matters without strict inquiry.

Earl GRANVILLE believed it to be utterly impracticable to have introduced a Bill, previous to the difficulties of working it being ascertained, which would not have required renewed legislation. It was true that Mr. Finlaison had shown it would have been cheaper to have continued the present system than to wind it up; but that continuance was impossible, because it implied not only an advance from the Treasury, but increased contributions by the seamen themselves, and that increase they rejected. The object of the Government, when they found that the old system must be wound up, was, that the seamen should be put as much as possible in the same situation as they would have been in had they continued under the old system, either as receivers of pensions or contributors, or rather in a better situation.

After a few words from the Earl of Ellenborough in reply,

On Question, *Resolved* in the *Affirmative ;* Bill read 2ª accordingly.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 28, 1851.

Minutes.] Public Bills.—2° Metropolitan Interment; New Zealand Settlements; Lunatics (India); Attornies and Solicitors Regulation Act Amendment.

3° Land Clauses Consolidation (Ireland); Sheep, &c. Contagious Diseases Prevention; Poor Relief Act Continuance; Battersea Park Amendment and Extension; Emigration Advances, Distressed Districts (Scotland); Commissioners of Railways Act Repeal.

The Earl of Ellenborough

MEDICAL CHARITIES (IRELAND) BILL.

Order for Committee read.

House in Committee.

Sir WILLIAM SOMERVILLE said, that, having regard to the opposition which this Bill had excited, and to the impossibility of carrying it in the original form through the Committee at this late period of the Session, he had thought it desirable to adopt the suggestion of his noble Friend the Member for Kildare (Lord Naas), and to confine the operation of the Bill to dispensaries alone. Having to that extent given up his own opinion, he hoped that the Committee would, in consideration of the desperate state of the dispensaries of Ireland, not now persist in its opposition to the Bill.

Mr. G. A. HAMILTON was very glad the Government had adopted this course, and he hoped that hon. Gentlemen on both sides of the House would agree to make the measure as perfect as possible as far as dispensaries were concerned.

Mr. SCULLY expressed the deep regret he felt at the announcement of the right hon. Gentleman, as he had hoped that a general Bill would have been introduced this Session to remedy the evils of the existing system. At the same time he agreed in thinking it would be better to pass the measure in its restricted form, rather than not pass any at all; he hoped, however, that next Session Government would see the necessity of grappling with the whole question, and of introducing a more perfect and comprehensive measure on the subject.

Colonel DUNNE thought it would have been impossible to pass the Bill this Session, except as a Dispensary Bill. It was not correct to say that the Irish Members, as a body, were opposed to the principle of the Bill. They were only opposed to its details.

Clause 9 (power to afford Dispensary Relief).

Mr. G. A. HAMILTON proposed—

> "In page 4, line 33, after the word 'Committee,' to insert the words, 'and the officiating Clergyman of each Denomination having charge of and being resident in any parish within such Dispensary district.'"

The object of the Amendment was to enable clergymen to be *ex-officio* members of the committees, for the purpose of giving tickets for medical relief to the poor of their districts.

Sir WILLIAM SOMERVILLE opposed the Amendment.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 21; Noes 22: Majority 1.

Clause *agreed to.* Clauses 10 to 19 inclusive struck out.

Clause 20.

MR. ROCHE wished to know whether it was the intention of the Government to bring in a Bill to reform the abuses connected with hospitals and infirmaries in Ireland?

SIR WILLIAM SOMERVILLE said, no one could be more convinced than he was of the necessity of some change in the law relating to Infirmaries, and he intended to take up the question early next Session.

Clause *agreed to.* Clause 21 *struck out.* Remaining Clauses *agreed to.*

SIR ROBERT FERGUSON proposed an additional clause, providing that the treasurer of each Union should deduct from the salary of each medical officer appointed under this Act the sum of 3*l.* per cent per annum, and so rateably from any such salary, of whatever amount; the sums so deducted to be paid to the Commissioners, and by them applied from time to time as occasion might require for the payment of such superannuation or retiring allowance, or gratuity, as might be ordered or appointed by the said Commissioners, with the sanction of the Lords' Commissioners of the Treasury.

SIR WILLIAM SOMERVILLE said, he must oppose the Clause, on the ground that medical officers ought to be left to effect their own arrangements for securing annuities, or making any other provision for themselves or their families.

Clause *withdrawn.*

The House resumed. Bill *reported,* as amended.

DAVID SALOMONS, ESQ.—ACTIONS FOR PENALTIES.

MR. SPEAKER stated, that he had received a letter from Mr. Alderman Salomons, relative to certain actions brought against him for having sat and voted in the House as Member for Greenwich, which he read, as follows:—

"Great Cumberland Place,
Friday, July 25th.

"Sir—I am advised that it is my duty respectfully to inform you and the House, that two actions at law under the Statute have been commenced against me, for penalties alleged to be incurred by me for having exercised, on Monday last, my right of sitting and voting in the House of Commons as Member for Greenwich, and that at the trial of those actions any resolution or proceeding which the House may adopt can be given in evidence in those actions.—With the greatest respect, I have the honour to be, Sir, your most obedient servant, "DAVID SALOMONS.

"To the Right Hon. The Speaker."

DAVID SALOMONS, ESQ.—THE GREENWICH PETITIONS.

Order for Consideration of Petitions from Greenwich [presented 25th July] read.

SIR BENJAMIN HALL said, that before submitting to the House the Motion of which he had given notice, he must, in the first instance, offer his own and the thanks of those whose interests he was about to advocate, to the noble Lord at the head of the Government for having permitted him to bring this subject before the House at that early period of the evening, and also as a substantive Motion instead of as an Amendment upon the Resolutions of which he (Lord John Russell) had himself given notice. It might, perhaps, be convenient to the House that he should state that in case any objection were offered to the Resolution which he should propose, he should divide the House upon it. The proposition which he had to submit to them was simple in its character, and was based upon justice and equity, and he hoped, therefore, that the House would assent to hearing the electors of Greenwich at the bar, rather than that they should be deprived of what they considered their just right and privilege. The facts of the case were simply these:—In 1832 the House determined that the borough of Greenwich was of so great and material importance that it ought to be inserted in the schedule amongst the places which were to return two Members to Parliament; and from that time to the present it had, of course, exercised its functions with which it was invested by the Reform Act; and it was a remarkable feature with reference to this borough, that although there had been contested elections whenever an opportunity was offered for the electors to record their votes, there was hardly an instance in which a gentleman entertaining other than what were called liberal opinions had been elected to the representation of the borough of Greenwich. Its population was about 80,000. At the last general election, in 1847, the seat was contested by three gentlemen, all entertaining the same, or nearly the same, political opinions. Admiral Dundas, who was at the head of the poll, had 2,409 votes; Mr. Barnard, 1,511; and Mr. Alderman Salomons 1,236; so that at this election, when he came very late into the field, Mr. Alderman Salomans was defeated by only 275 votes. When, therefore, a few weeks ago a vacancy in the representation of this borough arose, Mr. Alderman Salomons felt that he had a fair right again to test the opinions of the electoral body, and he accordingly again presented himself to them. The circumstances of the election which ensued were rather singular. Both candidates entertained the same political opinions, and both were well known in the City of London, of which each was an alderman and a deputy lieutenant; but there was this difference between them, that the one was a Jew and the other was a Christian; and the inhabitants of Greenwich, actuated by the same feelings as those which had influenced the electors of the City of London, determined to test the question, and to advocate the rights of civil and religious liberty by returning a Jew to Parliament in preference to a Christian. Alderman Salomons was accordingly returned by a majority of 887 votes, having polled 2,165 votes, while his opponent had only 1,278. The hon. Member subsequently presented himself at the table of that House, and took the first two oaths. Previous to doing so, however, he demanded to be sworn upon the Old Testament; and the Speaker, acting under the Orders of the House, as conveyed in a Resolution of the House of last Session, declared without a dissentient voice that he should be so sworn, and therefore admitted him as a Jew to the table of the House. But when he came to the last words of the oath, the House determined he should be a Christian, and because he would not swear "on the true faith of a Christian" (the House having previously determined that he should be sworn as a Jew), he was ordered to withdraw. That was the absurd position in which they were placed; and they might rest assured that in these times of political inquiry, when the people were informed of everything that transpired in that assembly, that their proceedings were anxiously watched; and although many might differ with them, and censure their proceedings, let them not allow those proceedings to appear ludicrous in the eyes of the people, because, if they did, that assembly would become contemptible. After the hon. Gentleman was ordered to withdraw, he came into the House and voted three times; and the right hon. Gentleman in the chair had that evening read to them a letter, in which he stated that in consequence of his exercising that privilege, he was now threatened with actions. The House must also recollect that he addressed them; and every one who heard him must at all events have admired the determination which he had evinced to take his seat in that House, and the temperate and deferential manner in which he had addressed the House. A resolution was then submitted to the House by the hon. and learned Gentleman near him (Mr. Anstey), who, together with the Solicitor General, said that Mr. Alderman Salomons had taken the oath, and therefore should sit; while, on the other hand, the Attorney General and the noble Lord negatived the resolution; and a Motion now stood on the paper which would be brought on if he should not succeed in his Motion, declaring that, because the hon. Gentleman had not taken the oaths according to a law which was perfectly undefinable if they consulted the law officers of the Crown, he must be excluded that assembly. One party on this question contended that, though the law as it now stood was never intended to apply to the present case, yet, inasmuch as it was not repealed, it must apply; on the other side it was said, that the law was never intended to apply, and that so far was it from applying, that the Act of 1838 overruled its applicability. The one party said to the hon. Member, "You were never intended to be a Popish recusant convict; but you are one, and shall be so, although we admit you to be a Jew;" the other party said, "You are a Jew, and we do not want you to declare yourself a Papist." And, according to the Attorney General, although the hon. Member for Greenwich could not take his seat as a Member of that House, he had nevertheless taken the oaths at the table in so substantive a form, that if he foreswore himself, he would be amenable to a prosecution in a court of law. The noble Lord at the head of the Government, as far as he could understand, intended to oppose the Resolution which he was about to move, taking for his precedent the Resolution of last year. Now he thought that that Resolution was most hastily concocted, and most unadvisedly passed, and at whatever decision the noble Lord might arrive, he trusted that he would not again put a similar resolution on record, because he might depend upon it that the time would come when they would be obliged to rescind it, as they had the resolution which was passed in the case of Wilkes. Wilkes having published what was called an outrageous libel upon the King, and a most flagrantly immoral *Essay on Woman*, he was, on the 17th February, 1769, expelled the House. He was immediately re-elected by the electors, but the House nevertheless seated Colonel Luttrel by resolution, entering into a contest with the electors of Middlesex, similar to that on which they were about to embark with the electors of Greenwich. The result was, that in 1781 they had to pass a Resolution, declaring that the Resolution of the "17th of February, 1769, declaring that John Wilkes having been expelled the House, was and is incapable of being elected to serve in the present Parliament, be expunged from the Journals of this House, as being subversive of the rights of the whole body of the electors of this United Kingdom." Now he contended that if they passed the Resolution proposed by the noble Lord, they would pass one which would be subversive of the rights of the whole body of the electors of the United Kingdom; and he hoped that the noble Lord would not press it, because he did not wish they should stultify themselves by passing a resolution one day, and rescinding it the next. The electors of Greenwich, knowing that such a resolution was about to be proposed by the noble Lord, had petitioned that they might be heard at the bar in support of what they believed to be their rights; and they set forth in that petition that they believed that their Member was under no legal disability, but was well qualified to serve them in Parliament. When he (Sir B. Hall) suggested the possibility of a petition being presented from the electors of Greenwich, praying to be heard by counsel, the noble Lord said that he would give no opinion at that time, but that he would search for precedents if any existed. He (Sir B. Hall) was at that time aware, and he was still further fortified in that opinion by searching the Journals, that there was no precedent for such a proceeding as this, because he was happy to say there had never before been a ground for it; the House had never before allowed a man to come to the table to be sworn on the Old Testament; and after thus admitting him to be a Jew, sent him away because he would not swear he was a Christian. But he had found a precedent for the course which the noble Lord now proposed to pursue in the only unreformed and irresponsible corporation in England—that of the city of London. In 1835, Mr. Alderman Salomons was elected alderman of the ward of Aldgate; but the election was annulled by the Court of Aldermen, who ordered a new election, when Mr. Humphery was returned. He (Sir B. Hall) did not object to Mr. Humphery holding that office; on the contrary, his hon. Friend was the *beau ideal* of aldermanic representation. In 1844, Mr. Alderman Salomons was elected for Portsoken Ward; but the election was again annulled, and a gentleman named Moon was appointed. In 1847 he was again elected alderman for Cordwainers' Ward; and the election then received the assent of the Court of Aldermen. He would say, let them rather follow the course taken by the hon. and learned Member for Abingdon (Sir F. Thesiger), than adopt the course that was proposed by the Government. Let them order a new writ to issue, but let them not pass a resolution that a man must take a certain oath according to law, when the law is undefined. Let them take a manly course, as suggested by the hon. and learned Gentleman, and put themselves at once in collision with the electoral body, and let them give the electors an opportunity of fighting the battle and asserting their rights in the same way that the House asserted theirs. The petition presented from the electors stated, that David Salomons had been duly returned, and had qualified himself to be a Member of the House. They believed that their Member laboured under no legal difficulty that would disqualify him to sit and vote, and they humbly prayed the House to permit them to be heard by counsel at the bar in defence of their right to elect their own representatives. He hoped, as there could be no precedent for the proceeding, the noble Lord would not put that forward as an obstacle for resisting the Motion which he (Sir Benjamin Hall) now brought forward. The electors of Greenwich had chosen Mr. Salomons for their representative for the purpose of trying this great and constitutional question. Let them be heard in support of their rights at the bar of the House, and let them employ the best advocacy they can to support their claims. That privilege they were fairly entitled to in the present undefined state of the law—a law which was never meant to apply to a case of this kind, and which one of the law officers of the Government had said did not apply. Let the House not refuse the electors of Greenwich the privilege to which they were entitled—hear what they had to say, and then come to a calm decision on the subject.

Motion made, and Question proposed—

> "That the Electors of the Borough of Greenwich be heard by Counsel at the Bar of this House, in pursuance of the prayer of their said Petitions."

MR. CHISHOLM ANSTEY seconded the Motion.

The ATTORNEY GENERAL considered that the Motion which had been submitted to the House by his hon. Friend was one that ought not to be agreed to. He hoped the House would be of opinion that the subject was one on which no further light could, by possibility, be thrown. It had been discussed on two separate occasions in this Session of Parliament as well as in the last. In the last Session the House had come to a solemn resolution on the subject, and the matter had been most fully and most elaborately discussed, not only by the Members generally of the House, but by the Members of the legal profession who have seats in the House. He could not think that counsel out of the House could throw any additional light upon it, nor persuade himself that any additional information or precedents could be brought before the House, or any additional Acts of Parliament, and therefore it would be a wasting of the time of the House to go further into the subject. The hon. Member who brought forward the question should have given the House some reason for believing that additional light would be thrown on the subject if counsel were heard at the bar; but he would put it to the House whether the hon. Gentleman could persuade them that any new light would bet hrown on the question? He (the Attorney General) would ask whether any person could suppose that this Motion was made for any other purpose than delay, and for keeping up excitement on the subject?

MR. CHISHOLM ANSTEY said, that if, as suggested by the hon. and learned Gentleman, the electors of Greenwich had told them in their petition they had further arguments to urge, and new topics to touch upon, which could not have been brought forward before, the House would not receive the petition, for it would be said that, in referring to debates which had taken place in that House, they had committed a breach of privilege. The leader of the English Bar, however, must know that the House could collect more from a well-considered speech delivered by a Member of the Bar acting in his professional capacity, than from the speeches of thirty or forty Gentlemen, each anxious to forestall his colleagues, and avoid trespassing on his neighbour's arguments, yet not able to command the attention of the House. When the hon. and learned Gentleman said the subject had been well considered, would he also say it had been always well considered, or that an attentive hearing was given to the question on Monday last, until the hon. Member for Greenwich himself addressed the House? Were not hon. Members up to that period in a frame of mind which rendered it impossible to make an impression upon them by any argument? If they would not hear the arguments of counsel on the question, let them not proceed on it at all, but leave it to be decided by the courts of law. Instead of taking that course, they were determined to do the case as much damage as they could before it reached a court of law. That was the consistent, honourable, manly course that the Gentlemen who had cheered the Attorney General wished to pursue. However, if the hon. Gentlemen who are friends of the cause were true to themselves, it was their duty to prevent the House from coming to a hasty decision, which would prevent a British jury from doing justice, and a British Judge from correctly expounding the law. He (Mr. Anstey) was astonished that the Attorney General did not hear the letter that had been read from the Chair before this debate. In that letter the hon. Member for Greenwich told the House that actions for penalties had been commenced, and were now actually pending, against him. He further apprised the House that he had been advised by his counsel that it was his duty to inform the House of that; and he also told the House, that he was further advised that any resolution whatever, which the House might adopt on the Motion of the noble Lord, could be given in evidence; thus any resolution of the House would be applied to influence the decision of those two actions. And why? Because the whole question was one of construction, and it was a question on which two jurisdictions were competent to pronounce—namely, the Parliamentary tribunal—he would not call it a judicial tribunal—which he had the honour to address, and a court of law to which the case was about to be submitted. He spoke in the presence of lawyers, and he asked any of them to contradict him if he could, when he asserted that there was a species of comity (not to say obligation) that bound one court of competent jurisdiction to respect the decision of another court of competent jurisdiction, pronounced upon the same, or upon an analogous case. It would be the duty of a Judge before whom the resolution of that House might be produced, if germane to the matter—it would be the duty of that Judge to inform the jury that, whatever might be their own private opinions, it was their duty, as it was his, to pay great respect and attach great weight to what was a decision of that House. The question they were going to try was the right of the electors of Greenwich to elect a Jew to represent them in Parliament. The House did not deny their right to elect, or his eligibility to be elected, but they obstructed and prevented him when he came to take his seat. The electors asked to be heard by counsel against that decision—they said the privileges of the House did not reach so far—that the House could not set itself above the law of the land—and that the law was on their side. Speaking from his recollection of former precedents, the House should not be permitted to do this injustice without going through the decent form of hearing the parties aggrieved. In 1759 and in 1760 were, he believed, the two last occasions on which the House had attempted to use its privileges in obstruction of proceedings in courts of justice; but on those occasions they heard the parties, or made an order to hear them by counsel. He did not think that hearing counsel would change their purpose; but by hearing him they would observe the forms of justice, and present their resolution in a decent shape to the country that was going to examine, and he thought to reverse, their acts. The Members of that House had no power at all over constituencies except indirectly, and for the purpose of determining the eligibility of its own Members. The point which belonged to that House was the eligibility of Members; the point which was not theirs was the right of the electors, of which they could not be divested except by Act of Parliament. But that House took away the right of the electors when it adopted a resolution not having the effect of law which prevented a Member whose eligibility was confessed, whose legal possession of the seat was undenied, from voting and attending to his Parliamentary duties. It was for the sake of the House more than for the sake of the prejudged constituency of Greenwich, that he asked them to hear counsel at the bar. In the case of Aylesbury, when a similar point had been raised, the House came to a resolution that, according to the known laws and usages of Parliament, it was the sole right of the Commons of England in Parliament assembled, to examine and determine all matters relating to the election of their own Members, except in cases specially provided for by Act of Parliament. But the privilege thus asserted was examined in a court of law, and was found to be excessive, and the House of Commons had to recede from it, and they had no right to interfere with the electors of the country, except in cases specially provided for by Act of Parliament. He (Mr. Anstey) asked them to show him an Act of Parliament that gave to the House the right to set aside the election of the hon. Member for Greenwich, by an *ex post facto* resolution. Was there ever so moderate, reasonable, and just a request as that of the electors of Greenwich? A general election was approaching, and the great liberal constituencies would act so that the House of Commons would have to deal, not with the two seats for London and Greenwich only, but the House seemed labouring blindly to bring itself at once into a position of hostility with the people of England, and the courts of justice: if they did, they would have (as had been done in *Stockdale* v. *Hansard*) to retrace their proceedings. It was to save the House from a dilemma that the Motion was pressed on its adoption. It was with difficulty the hon. and learned Member for Aylesbury had been enabled to obtain a hearing for the few pregnant words he addressed to the House on the subject; an attempt was made to put him down, and to put down almost every Member who took the same side. Their statements were received with inattention or disregard. But the House would be bound to listen to counsel at the bar. The Government might desire to proceed to what they called more important business; but he denied that any business could be more important than what was now before them. Instead of the Government gaining time by the course they adopted, they would lose time, because they had rendered it incumbent on the friends of civil and religious freedom in that House to use against them all those constitutional forms of delay which Members of the House were empowered to use.

SIR FREDERIC THESIGER hoped that, in discussing this question, hon. Gentlemen would follow the advice which had been given by an honoured and lamented friend of his—a Chief Justice, who, at the close of a long circuit, recommended the Bar to put themselves on a short allowance of speech for the rest of the assizes: and the best way of acting on that advice would be to adhere closely to the subject. In his opinion the hon. and learned Member for Youghal had entirely mistaken the argument of the Attorney General. His hon. and learned Friend never said it was necessary that persons who petitioned the House to be heard by counsel at the bar, should point out some new matter which they intended to bring before the House for consideration; but what he said was this, that they knew to what extent the discussion had gone; they knew that every point that could be urged had been raised and considered; and they could not believe that anything new would be brought before them to induce them to come to a different determination from that to which they had come in the last Session, when there was a solemn resolution on the very point now submitted to the House. The hon. Member had complained, and perhaps justly complained, that lawyers had differed on the subject before them; but he should like to know if there was any difficulty or embarrassment in consequence of that difference amongst the lawyers, how would they be assisted, not by hearing the question solemnly discussed on both sides, but by having counsel specially employed to take one particular view of it, and one view only? That was what he apprehended the Attorney General meant to convey, and did convey, in the observations he had made. It appeared to him that it really would be idle—that it would be trifling—if they were now, after all that had taken place on the subject, to allow the prayer of the petitioners to he heard at the bar, even though it was not objectionable in other respects. There was another question that arose upon the petition itself, which appeared to him entirely to remove the petitioners from any ground they might so urge upon them to be heard by counsel. The prayer of the petition was, "We humbly and earnestly pray that your hon. House will permit us to be heard by counsel at the bar in defence of our undoubted right to return our representatives." Who had ever disputed the right of the electors of Greenwich to elect their representatives? How would the principle involved in the question they had decided, and were called upon to decide, affect the right of the electors to choose their own representatives? The electors of Greenwich might, if they pleased, elect an alien, or they might elect a clergyman; but that House was not bound to admit a clergyman or an alien to take his seat. The question was not one as to the election of representatives, but whether the representative chosen had qualified himself to take his seat in the House. It appeared to him that, independently of the absurdity of hearing a one-sided argument on a question discussed so fully several times before, the petition did not contain any prayer on which they could possibly act, because they had never endeavoured to interfere, or claimed the right to interfere, with the electors of Greenwich in their choice of representatives.

MR. C. P. VILLIERS said, that the hon. and learned Member who had just spoken was the last man who ought to object to the prayer of the electors of Greenwich, on the ground that the House did not wish to interfere with their right te elect whom they pleased; for the learned Member was precisely the Member who had wished to interfere with that right, for he it was who proposed to issue a new writ for Greenwich, because they had chosen Mr. Salomons; he made the same Motion last year, in the case of Baron Rothschild; and, had he succeeded, he might, by continually disputing the right of the electors, compel them to yield, and abandon the Members of their choice. It was probable that if that new writ issued, the electors would again return Alderman Salomons; but the hon. and learned Member might again move for the issue of a new writ; and though Alderman Salomons was returned a third time, the hon. and learned Gentleman might go on making Motions for new writs until the electors of Greenwich became tired of electing Alderman Salomons, and they might be forced to admit themselves beaten by the hon. and learned Member for Abingdon. The other objection of the hon. and learned

Member was equally invalid—namely, that it was not right to hear counsel for the petitioners, because they could not hear counsel on the other side; but the learned Member forgot while, on the one hand, he admitted the importance of counsel being heard—for the argument admitted the possibility that the reasons alleged by counsel might influence the decision of the majority of that House—he was one of a majority who had decided the point to their own satisfaction, and who pretend that no more information was required. He should remember that the electors of Greenwich were the victims of that decision, and before final judgment was passed by the House, they asked to be heard. He thought the electors of Greenwich had great reason in their request, and he agreed with them in its propriety. He thought the electors and the Alderman had both been very unjustly reproached for the attempt that they had made lately to procure emancipation for persons of the Jewish persuasion, after the resolution to which the House had come last year; but there was a very great distinction between the two cases. He begged the House to remember, that when they were discussing this measure last year, they did it in a very slovenly and careless manner, owing to the assurance that was then given that a Bill would be introduced this Session at once to remove all doubts with respect to the law; and that when the seat was vacated the other day, the Bill had not been discussed in the other House, and the electors might well have supposed that such an act of relief at this day at least would have passed. Mr. Salomons, far from showing any disrespect to that House, was careful in not presenting himself to take his seat till the fate of that measure was known. He (Mr. Villiers) considered, looking at the majority by which that measure was rejected, looking to the arguments then used, which were entirely religious in their character, and with the view to exclude the Jews as Jews, that this House and the constituency were in a very different position in consequence, and they were bound to consider, looking at the utter hopelessness now of ever getting a Bill through the other House to emancipate the Jews, whether they were not themselves straining the law for the purpose of exclusion, and were not availing themselves of the spirit and intention of a recent statute passed purposely to relieve the scruples of persons of different religions for the object of excluding the Jews. This was a novel position in which they were placed this year, and quite recently, and it became them to consider the thing afresh, and gravely to ascertain what was within their own power and privilege in accomplishing this object. He said it was hopeless for the Jews to expect a better fate in the other House, because he observed that those who voted against the Jews were not only those who generally opposed concessions of this sort, but persons who considered themselves peculiar champions of religious liberty, and who had put themselves prominently forward to defend that principle this year—a most extraordinary view certainly of religious liberty which should sanction in its name the persecution of the Jews; for, in truth, this was literally the only matter in this country in which religious liberty, properly understood, was in question—

SIR ROBERT H. INGLIS said, if the hon. Gentleman had not actually transgressed the rule of the House in the allusion he had made, he had so nearly done so as to justify him (Sir R. H. Inglis) in calling attention to the circumstance.

MR. C. P. VILLIERS admitted that, if he had referred to the other branch of the Legislature he was out of order. He thought he had used the other conventional phrase to express the same idea, but he would say "another place" in future, though he would not add, to please the hon. Member, a "better place." He was contending that the arguments used, and the particular persons voting against the Jews in "another place," made it impossible for them ever to expect a measure to pass that House, and he therefore was anxious that they should more deliberately apply themselves to the law as it now stood, to see if the Jews were now really excluded by it. For this reason he should wish to hear a short, calm, careful statement made at the bar by some responsible and learned person, retained and prepared for the purpose, so that they should be left in no doubt as to the statutes in existence, and the legal operation, as near as they could apprehend them, of their provisions. He thought the House would, by that means, have clearer information than they now possessed; for what was still left undetermined was what the law did really require on the part of persons taking the oath in question. He objected to the resolutions that had been proposed, beecause they only stated the thing in question, and did nothing to decide it. The House was unanimous about the law being observed, but what it wanted to know was, what the law was that they were to observe? Expecting, therefore, information would be obtained and impressed more upon the House by hearing counsel, he should vote for the Motion.

MR. NEWDEGATE said, that the real point before the House seemed to be lost sight of. The electors of Greenwich had changed their minds. They elected Alderman Salomons in order that he might appeal to the courts of law, after he had distinctly pledged himself to do so. Alderman Salomons appealed to the electors to elect him, in order that he might incur the penalties, that he might go before a jury and try the case at law. The electors returned him for that purpose; but now they asked to be allowed to change the issue, and bring to the bar the one-sided statement of their counsel, in order to induce the House to settle the question in their favour without appealing to the law. There was another important point. A great deal had been made of the election for Greenwich; but he (Mr. Newdegate) had stated before, and he now repeated the statement, that a very large number of the electors, from 1,500 to 2,000 abstained from voting, because they did not think that the contest between Alderman Salomons and Alderman Wire was a *bonâ fide* contest. Alderman Wire was taunted on the hustings with having received 2,000*l.* from a Jewish fund for advocating the cause of the Jews abroad; and although Alderman Salomons absolved him from having taken that sum, he said that he who was then his opponent as a candidate for the vacant seat for Greenwich, had been well remunerated. The question of principle was never raised at that election at all. The fact was, the question having already been decided by the House, the electors who voted for Mr. Salomons only did so that the question might be taken into the courts of law. Why should the Alderman have any preference over Baron Rothschild? The one represented London, and the other Greenwich; and was the latter of so much more consequence than the former, that the House should now depart from the precedent it had established? Greenwich, in his opinion, had nothing to recommend itself to that House. The expenditure at the last election had been enormous — the treating notorious; the porter pot seemed to be the symbol of the election; and upon the very hustings Alderman Salomons entertained the electors, by drinking porter himself, and by thrusting it upon his opponent. He could not believe that the House would stultify its decision in favour of such a constituency, and reverse the opinion so solemnly recorded last Session?

SIR JOHN HANMER said, reference had been made to what took place on the election of Mr. Salomons to an aldermanic chair in the City of London; but, if the facts were fully stated, they would be found to operate against the proposal now before the House. Mr. Salomons was twice elected Alderman; but it was on both occasions declared by the Court of Aldermen that he was unable to take his seat. After the second election Lord Lyndhurst brought a Bill into Parliament; legislation took place on the subject, and, when Mr. Salomons was elected a third time, he was enabled to take his seat. Alderman Salomons took his seat among the aldermanic body, however, not by dint of any forced exposition of law, but by an Act of Parliament. That was precisely the course now recommended by the noble Lord; and in his opinion it was a just and constitutional course. He had always given his vote in favour of the admission of the Jews, and should rejoice to see Baron Rothschild and Alderman Salomons taking their seats in that House; but he should always resist any attempt to remove the disabilities under which they laboured, except by an Act of Parliament.

SIR ROBERT H. INGLIS wished to explain that he interrupted the hon. and learned Member for Wolverhampton, because he thought that in the remarks he had made, the independent action of the other branch of the Legislature was interfered with, and that it did not arise from any captious feeling on his part. There was a great deal of verbiage in the petition of the electors of Greenwich about limiting electors in the choice of their representatives. Did that House limit them in that choice? On the contrary, was it not the law of the land that did so? Suppose the electors of Greenwich had elected one of the distinguished foreigners now in this country. Did the hon. and learned Gentleman the Member for Youghal (Mr. Anstey) mean to say that such a person would have been eligible to take his seat in that House as the representative of Greenwich? ["No, no!"] Why, surely a Christian

Frenchman had as good a right to sit in that House as an English Jew. The law proscribed aliens, and the law proscribed Jews. The law of the land proscribed an alien as well as a woman or a lunatic from sitting in that House. The House of Commons was the exponent of the law; and Mr. Speaker, no doubt, was the exponent of the House of Commons when he directed Alderman Salomons to withdraw. That law laid it down, that before a person could take his seat in that House he must be of full age—that he must not be an alien—and, next, that he was to be possessed of a certain amount of annual income. In all those particulars, the choice of the electors of Greenwich must be limited. In every instance the choice of representatives to Parliament by the people of England must be limited by those considerations. They never had the right to elect a Member to Parliament, unless he fulfilled those conditions of the constitution. The law had declared that Alderman Salomons was ineligible to sit in that House. The whole point of the issue was, whether a man who was in such a condition of mind that he could not take the oaths required by law, was eligible to take his seat in that House? The electors of Greenwich would do well to consider that they might as well have chosen a woman, a minor, or a lunatic for their representative, as one who would not fulfil the conditions on which, and on which only, the law of England allowed a man to take his seat in that House.

MR. AGLIONBY rose amid cries of "Divide!" He thought it was not respectful to the petitioners to be so impatient for a division; and he hoped before the debate concluded, that some Member of the Government beside the Attorney General would address them upon the question. The hon. Member for North Warwickshire (Mr. Newdegate) objected to the electors of Greenwich being heard at the bar, on the ground that they sought to change the issue; but what they said was, that Alderman Salomons had fully fulfilled the pledge he had given, and what they complained of was, that that House was prejudging the question before it could be brought into a court of law, and they prayed to be heard in defence of their rights. It had been said that it would be anomalous to hear one party at the bar, and not another; but there was nothing in the constitution or the practice of Parliament opposed to hearing both sides by counsel at the bar. He apprehened there was nothing in the practice of Parliament to prevent the Speaker appointing counsel to be heard at the bar in defence of the liberties of the House of Commons. The hon. and learned Member for Abingdon based his opposition on a mere quibble of words, for he said the electors did not pray that Alderman Salomons should be allowed to take his seat, but that they should be heard in defence of their right to elect their representatives. Now, where would be the use of electing a representative if he was not permitted to take his seat? On the other hand, the hon. Baronet (Sir R. H. Inglis) said they might as well have elected a woman or an alien. The difference, however, was, that an alien and a woman were excluded by law, whereas a Jew was not. The Attorney General met the statement of the hon. Baronet, who presented the petition, by saying that the object was delay, and that no new light was likely to be thrown upon the question by hearing counsel at the bar. The last observation of the Attorney General might be very true, and their continued advocacy of the matter might only make it more intricate. They had all heard the lines—

> "Counsellor Parker,
> Made that darker
> Which was dark enough before;"

and, so far as legal doubts went, it was possible they might be made darker than ever; but at any rate he would beg the House to remember that it was the declared opinion of many hon. Members that the legal question was clearly and without doubt in favour of the seat being taken. With reference to the remark of the Attorney General, that the object was delay, he must say that he thought the very best thing the Government and the House could do was to grant delay. Did the letter which had been that day addressed to the Speaker, and read by him, not suggest a ground for delay? Two writs had been served upon Alderman Salomons; the question must be disposed of in a court of law, and probably would be decided before the House met next Session; and the House should remember that they might be called upon to produce their decision as evidence before that court of law. They were often told in that House not to proceed with certain matters because they were before the legal tribunals; and now, when they were informed that this case was before the competent tribunals, he called upon them not to prejudice the question by coming to a premature vote.

Lord JOHN RUSSELL, in obedience to the wish expressed by the hon. and learned Gentleman, that some Member of the Government, besides the Attorney General, should address the House, was quite ready to state his opinions. The hon. and learned Gentleman said that undoubtedly the electors of Greenwich had a *locus standi* upon this question; but it appeared to him that they had not, because he saw that in their petition they stated that the House contemplated some measure by which their undoubted right of electing representatives to the House of Commons might be interfered with. Now, there was no Motion before the House by which the rights of the electors were interfered with. The House was pursuing a sacred duty, which it was necessary for them to discharge when a Member came to their table to be sworn, namely, to see that he was sworn according to what they believed to be the law. Whether they were right in their interpretation of the law, was another question; but undoubtedly it was their duty to see that a Member, before he took his seat, took the oaths appointed by law. He agreed with the hon. and learned Gentleman that this case was not similar to that which was put by the hon. Member for the University of Oxford—that it was not like the case of the election of a woman, a lunatic, or an alien, as those parties had a legal disqualification; but it was similar to that of a person coming to the table and refusing to take the oath of allegiance. It was quite obvious that if a person came to the table of the House and refused to take that oath, he could not say that the privileges of the electors gave him a title to take his seat, notwithstanding his refusal to accept the oath; yet the argument of the hon. and learned Gentleman went that length. His hon. and learned Friend asked what was the use of having the power of electing a Member unless they had also the power of securing that he should take his seat. That was no doubt true; but in order to take his seat in the House he must comply with the rules and conditions which the constitution and the law require. This was not a question for the electors of Greenwich alone; it was a matter in which the whole kingdom was concerned, and in regard to which that House had a duty to perform in insisting upon the laws being respected and enforced. They might be mistaken as to the law, or the law might require to be altered. That was another point; but it was not a question on which they could hear the electors of Greenwich at the bar. As to the question of law, all they could do was to interpret it according to the best of their ability, and accordingly he had, for that purpose, submitted a Resolution to the consideration of the House.

Mr. Alderman SIDNEY said, it was because the electors of Greenwich considered that their Member had taken the oaths according to law, that they petitioned to be heard by counsel at the bar. He could not pretend to argue the question of law with the ability of the hon. and learned Members who had addressed the House; but he did undertake to say that, according to his feelings and judgment in construing the law, the hon. Member for Greenwich had really taken the oaths according to law. He rose principally to disabuse the minds of hon. Members with regard to an imputation which had been thrown out by the hon. Member for North Warwickshire (Mr. Newdegate), who had stated that the last election for Greenwich was characterised by intemperance beyond all former precedent. The hon. Member instanced the scene which had taken place during the nomination of the candidates. Now, on that particular day the sun shone remarkably bright, and his hon. Friend Mr. Alderman Salomons unquestionably felt its power, and having partaken of some refreshment, handed the porter to his opponent. It was from that circumstance alone that the hon. Member for North Warwickshire assumed that the whole electors of Greenwich on that occasion had been contaminated by the use of intoxicating liquors. On behalf of the electors of Greenwich, he (Alderman Sidney) altogether denied it. He denied also that the last election was not a manifestation of the public opinion of the electors of Greenwich. He could tell the hon. Member (Mr. Newdegate) that at the general election of 1847 not more than 3,000 persons voted in the borough of Greenwich, whilst at the last election not less than 3,443 electors registered their votes. They decided by an immense majority that Mr. Alderman Salomons should be their representative; and whatever might be the legal quibbles introduced into the discussion of this question, the common-sense view of it out of doors was that Alderman Salomons had taken the oath required by the Legislature in a way which was binding on his conscience, and had qualified himself in every respect to sit as the representative of the borough of Greenwich. He (Mr. Alderman Sidney) asked the House whether they were now prepared to declare as null and void the solemn act of the electors of Greenwich? If Mr. Alderman Salomons was again sent back to his constituents, they would again return him triumphantly as their Member. This struggle might be prolonged, but he could not doubt for a moment that the common-sense understanding of the people of England would settle this question, whether or not the Legislature felt disposed to settle it. He believed the Jews, as Jews, were not popular in this country; but if it was intended that the Legislature was to be permitted to construe an Act of Parliament in a manner to mock the understandings of the people of England, he believed the Jews would become the most popular candidates at every election throughout the country. He believed in his conscience that Baron Rothschild and Mr. Alderman Salomons had taken the oath of abjuration in a legal and constitutional manner; and it was on that ground that he should vote in favour of the electors of Greenwich being heard at the bar.

MR. MACGREGOR rose amid loud cries of "Divide!" The question at issue was one which came fairly within the jurisdiction of that House. It was of much more importance than hon. Members seemed to be aware of; it did not concern merely the electors of Greenwich and of the City of London, for it was a question bearing upon the rights of constituencies, and on the cause of civil and religious liberty in general. The intolerants who opposed the admission of the Jews, had not made themselves acquainted either with ecclesiastical or political history. That House had no right to step in between those electors and the exercise of their undoubted constitutional privilege to select whom they pleased to represent them in the Commons House of Parliament. A general election was not far distant, and that House might take his word for it, that those Members who were now endeavouring to prevent the electors of Greenwich and London from exercising their constitutional privilege, would find to their cost that they had committed a most fatal blunder. They might call themselves Christians; but in acting with so little charity to their Jewish brethren, they were acting more like Pagans than Christians, and were pursuing a course at variance with the precepts of our Saviour, as promulgated in the sermon on the mount.

The House *divided*:—Ayes 75; Noes 135: Majority 60.

List of the AYES.

Adair, H. E.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Anstey, T. C.
Armstrong, R. B.
Barron, Sir H. W.
Bass, M. T.
Bell, J.
Bethell, R.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Clay, J.
Cobden, R.
Colebrooke, Sir T. E.
Dawes, E.
Dawson, hon. T. V.
D'Eyncourt, rt. hn. C. T.
Duncan, G.
Ellis, J.
Evans, Sir De L.
Evans, J.
Ewart, W.
Ferguson, Col.
Forster, M.
Fox, W. J.
Geach, C.
Heathcoat, J.
Heywood, J.
Hindley, C.
Hobhouse, T. B.
Keating, R.
Lacy, H. C.
Locke, J.
Lushington, C.
M'Gregor, J.
Mahon, The O'Gorman
Mangles, R. D.
Martin, J.
Mitchell, T. A.
Moffatt, G.
Morris, D.
Murphy, F. S.
Norreys, Sir D. J.
O'Connell, M. J.
Ogle, S. C. H.
Pechell, Sir G. B.
Pinney, W.
Power, Dr.
Robartes, T. J. A.
Salwey, Col.
Scobell, Capt.
Scully, F.
Seymour, H. D.
Sidney, Ald.
Smith, rt. hon. R. V.
Smith, J. B.
Spearman, H. J.
Stuart, Lord J.
Sutton, J. H. M.
Tennent, R. J.
Thompson, Col.
Thompson, G.
Thornely, T.
Tollemache, hon. F. J.
Villiers, hon. C.
Wakley, T.
Walmsley, Sir J.
Wawn, J. T.
Westhead, J. P. B.
Willcox, B. M.
Willyams, H.
Wilson, M.

TELLERS.

Hall, Sir B.
Smith, J. A.

List of the NOES.

Archdall, Capt. M.
Baines, rt. hon. M. T.
Baldock, E. H.
Bankes, G.
Baring, rt. hn. Sir F. T.
Barrow, W. H.
Bellew, R. M.
Berkeley, Adm.
Berkeley, hon. H. F.
Birch, Sir T. B.
Blackstone, W. S.
Blandford, Marq. of
Boldero, H. G.
Booth, Sir R. G.
Bowles, Adm.
Bramston, T. W.
Brisco, M.
Broadley, H.
Brooke, Lord
Buller, Sir J. Y.
Burrell, Sir C. M.
Cabbell, B. B.
Carew, W. H. P.
Carter, J. B.
Chichester, Lord J. L.
Child, S.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Cockburn, Sir A. J. E.
Cocks, T. S.
Coles, H. B.
Collins, T.
Conolly, T.
Cowper, hon. W. F.
Craig, Sir W. G.
Cubitt, W.
Currie, H.
Denison, E.
Denison, J. E.
Disraeli, B.
Divett, E.
Dod, G.
Duckworth, Sir J. T. B.
Dundas, Adm.

Dundas, rt. hon. Sir D.
East, Sir J. B.
Edwards, H.
Egerton, W. T.
Estcourt, J. B. B.
Fergus, J.
Ferguson, Sir R. A.
Forester, hon. G. W. C.
Fox, S. W. L.
Freestun, Col.
Freshfield, J. W.
Fuller, A. E.
Gladstone, rt.hon.W.E.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grosvenor, Earl
Gwyn, H.
Hale, R. B.
Hall, Col.
Hallewell, E. G.
Hanmer, Sir J.
Hawes, B.
Headlam, T. E.
Heald, J.
Henley, J. W.
Hervey, Lord A.
Hodges, T. L.
Hodgson, W. N.
Hogg, Sir J. W.
Hotham, Lord
Inglis, Sir R. H.
Jermyn, Earl
Johnstone, J.
Knightley, Sir C.
Knox, Col.
Knox, hon. W. S.
Labouchere, rt. hon. H.
Langston, J. H.
Legh, G. C.
Lemon, Sir C.
Lindsay, hon. Col.
Lockhart, A. E.
Lowther, hon. Col.
Lygon, hon. Gen.
Mackinnon, W. A.
Maunsell, T. P.
Maxwell, hon. J. P.
Mullings, J. R.
Naas, Lord
Newdegate, C. N.
Packe, C. W.
Palmer, R.
Palmer, R.
Palmerston, Visct.
Parker, J.
Peel, Col.
Plowden, W. H. C.
Portal, M.
Pusey, P.
Reid, Col.
Ricardo, O.
Richards, R.
Russell, Lord J.
Sandars, G.
Seymour, Sir H.
Seymour, Lord
Shelburne, Earl of
Sibthorp, Col.
Somerville, rt.hn.SirW.
Spooner, R.
Stafford, A.
Taylor, Col.
Thesiger, Sir F.
Thornhill, G.
Towneley, J.
Tyrell, Sir J. T.
Verner, Sir W.
Vyvyan, Sir R. R.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.
Watkins, Col. L.
Wigram, L. T.
Williams, T. P.
Wilson, J.
Wood, rt. hon. Sir C.
Wynn, H. W. W.
Young, G. F.

TELLERS.

Hayter, W. G.
Hill, Lord M.

CASE OF BARON LIONEL NATHAN DE ROTHSCHILD—THE CITY OF LONDON PETITION.

Order for Consideration of Petition from London [presented 25th July] read.

MR. RAIKES CURRIE said, that having presented, on Friday last, a petition which had been placed in his hands as the chairman of a most important meeting in the City of London; he was at liberty, he believed, to move that the prayer of the petition be granted. But, as the House had just come to a decision upon a petition from the electors of Greenwich, the prayer of which was of a precisely similar character, he thought it would be more conducive to the ultimate object of the petitioners themselves if he declined entering upon a renewal of the discussion on the present occasion. He yielded the more readily to that course, because he was willing to confess that that part of the petition which prayed that the petitioners might be heard by counsel at the bar of that House, was one in the expediency of which he was not able to coincide. But, having presided at that important meeting, he should scarcely do justice to the strong but respectful feeling which was there exhibited, if he sat down without venturing to make a respectful but most earnest appeal to the noble Lord at the head of the Government, and who was one of the representatives of the City of London, and urging upon the consideration of that noble Lord the fact of the deep feeling of disappointment with which the electors of the City of London regarded the course which he had felt it his duty to pursue. The noble Lord, at the close of the Session of last year, felt it his duty to pass a declaratory resolution relating to the right of Baron Rothschild to take his seat as a Member of the House of Commons; and the noble Lord accompanied that resolution with a further declaration, that the House would take the whole subject into their early consideration, with a view to legislate thereupon. Now, he (Mr. R. Currie) thought that if, coming from the mouth of the Prime Minister, those words had any meaning at all, they meant that the whole power of the Government should be thrown into such legislation—and so they were interpreted by the electors of London. If the words meant not that, then they meant absolutely nothing, and were a mere delusion and a snare. They had heard of former Administrations which had pretended to show fight, and had brought measures forward only to be rejected; but surely the City of London had a right to consider that the noble Lord would act in a very different spirit, and that when he spoke of legislation he was in earnest, and was ready to stake the existence of the Government upon the point. He (Mr. R. Currie) would not, however, look back to the past, but would look forward to the future; and the light in which he viewed this Jewish question, he confessed, was wholly subordinate to that great constitutional axiom which he had always maintained, namely, the inherent and indefeasible right of the electors of this country to return to Parliament those men whom in their consciences they deemed best fitted to represent their interests. Now, the noble Lord had promised a measure of reform. He (Mr. R. Currie), for one, most earnestly desired to see such a measure brought forward. Remembering with gratitude what the noble Lord had already done in the cause of reform, he had no doubt that the promised measure of next year would be worthy of the noble Lord's ancient reputation. But the noble Lord had hinted to them that the remission of the property qualification would be one portion of that measure. Now, he (Mr. R. Currie) earnestly hoped that a much larger change than that would be effected, and that the abolition of all oaths to be taken as religious tests would form an integral part of that measure. He meant, by integral part, such a part as would make it a question on which, by its success or failure, the Government were determined to stand or fall.

MR. CHISHOLM ANSTEY felt bound to discharge the duty with which the hon. Gentleman had been entrusted, and which he had failed to perform. As the notice did not stand in any particular name, it was competent for him to do so. He would, therefore, move that the prayer of the petition of the electors of London be then taken into consideration. He had a right as an elector of the City of London, to complain of the conduct of the hon. Gentleman (Mr. R. Currie), to whom the petition had been entrusted. He could speak as one of the electors who was present at the meeting where the petition was adopted, that if that meeting could have known that the hon. Gentleman would, in his place, have expressed his dissent from the prayer of the petition, it would not have been entrusted to him for presentation. He (Mr. Anstey) felt that he should be discharging his duty by moving, in the terms of the notice on the paper, that this petition be taken into consideration, and that the House hear counsel on behalf of the electors of the City of London, in pursuance of the prayer of that petition. Those electors had a right to consider their case as distinct from that of the electors of Greenwich. The case of Baron Rothschild was essentially distinct from that of Alderman Salomons. Alderman Salomons had yet to be debarred, by a formal resolution, from taking his seat. Having just decided that they would not hear counsel at the bar on behalf of Alderman Salomons, they were now called upon to say whether they would hear counsel on behalf of the City of London. It was well known, last year, that the noble Lord (Lord John Russell) said, if Baron Rothschild expressed a wish to be heard by himself or counsel, he (Lord John Russell) should have every disposition to hear him. Well, Baron Rothschild did wish to be heard; and he had authorised this petition to be presented to the House. He had done what Alderman Salomons could not do. Alderman Salomons had sat in his place; he could not, therefore, request to be heard at the bar of the House, either in person or by counsel, or in any other place except where he ought to be heard, namely, in his own proper seat in the House. But Baron Rothschild had not yet asserted his right to a seat and vote in Parliament; he was, therefore, in a position to be heard at the bar, and he now requested to be heard; in conjunction with his fellow-constituents, he requested the House to do that which the noble Lord, last Session, said he was ready to do. He (Mr. Anstey) trusted the House would see that they were not precluded from complying with that request by reason of the unfortunate decision to which they had just come in the case of Alderman Salomons. Before he sat down he begged to say that it was his intention to press this Motion to a division: he therefore would tell his doubting or timid Friend (Mr. R. Currie) not to waste time by endeavouring to persuade him not to take that course. He would advise the citizens of London to leave nothing untried to obtain their rights. He wished to impose the responsibility on those who refused those rights. ["Hear, hear!"] He was glad to find that hon. Gentlemen opposite accepted that responsibility. He would take this opportunity of explaining, in reply to what had fallen from the hon. Baronet (Sir Robert Inglis), which the forms of the House had prevented him from doing before, that the point was really this—that Baron Rothschild was duly qualified, was duly elected, had taken the oaths prescribed and required by law, and was, therefore, entitled to take his seat. The points of qualification and election the noble Lord (Lord John Russell) had admitted, but there he stopped. The hon. Baronet argued that Baron Rothschild was no more qualified than a lunatic, a female, a minor, or an alien; but the cases were not at all parallel; for neither a lunatic, a female, a minor, nor an alien, was eligible; and if any one such were elected, such person could not sit, the votes of the electors would be thrown away, and the person next on the poll could demand to be returned by the returning officer. But Baron Rothschild was eligible, and this was the distinction which the friends of that Gentleman took. When he (Mr. Anstey) said that the oath tendered at the table to the Jew was at all events illegal so far as the Jew was concerned, because it was not binding on his conscience, he at the same time affirmed that the solemnity of the oathtaking should be altered; and he contended that it was competent for Baron Rothschild and Alderman Salomons to alter the oath themselves. The resolution of last Session distinguished the case of Baron Rothschild from that of Alderman Salomons; and to enable the former to sit and vote, it was necessary that they should rescind that resolution. To remove all doubts, the citizens of London asked them to rescind it, and then, by another resolution, to declare that the oath as taken by Baron Rothschild was well taken, or by some other solemnity to do what in justice they ought to adopt. He was astonished that the noble Lord should have given up the case of Baron Rothschild in the manner in which he did. The noble Lord admitted that the case of Baron Rothschild was not like that of a lunatic, an alien, a female, or a minor; but said that it was the case of a man who came to the table and refused to take the oath required by law. Now, what was the whole contest about last year? It was whether Baron Rothschild had refused to take the oath or not? Nobody doubted that if he had refused to take the oath, the House of Commons would have had no discretion, but must have declared the seat void, and have issued a new writ. The cases of Fanshawe and of Mr. O'Connell were quoted on that occasion; but in both those cases the parties absolutely refused to take the oaths, which necessarily imposed upon the House the duty of ordering new writs to issue. The Resolution of last Session admitted that Baron Rothschild had taken the oaths of allegiance, that he had not refused the oath of abjuration, and that the seat was full, and that the only question was as to the form of the oath. What he (Mr. Anstey) contended was, that Baron Rothschild had not only not refused to take the oath, but that he had taken it. The House, on the Motion of the hon. and learned Member for Abingdon (Sir F. Thesiger), that a new writ be issued, decided reasonably, justly, and as it became them, that a new writ could not be issued because the seat was full. But the noble Lord would seem now to say that the House, last year, had decided unjustly, inconsistently, and unreasonably; and that, although the seat was full, although they could not issue a new writ, and although the oaths had been taken and not refused, yet, nevertheless, the House ought not to let Baron Rothschild either sit or vote. That was the resolution of which he and the electors of London complained; and it was upon that point they wished the House to be instructed by counsel. The question was, could they, after having by unanimous assent recognised the right of a Jew to sit in Parliament, and after having allowed a Jew to be sworn twice at their table in a particular manner, could they afterwards legally impose upon that Jew a Christian solemnity for the purpose of taking a third oath? That was the question which counsel would have to argue; and no doubt the House would listen more patiently to arguments advanced by them than to any thing which hon. Members of that House were capable of urging. This advantage was at present denied to the electors of the City of London, to which they were entitled as a right. The House had promised to recognise that right, and it was in their name that he now, for the reasons he had given, asked the House to agree to the following Resolution:—

Motion made, and Question put—

"That this House will hear Counsel for the Electors of the Ciy of London, in pursuance of the prayer of their said petition."

MR. AGLIONBY said, that as an elector of the City of London he was present at the meeting to which allusion had been made, and a more respectable and intelligent meeting it had never been his lot to witness. A better-conducted assembly he never saw, which was more than could be said of all assemblies, for even where parties opposed to their views addressed them, they accorded a most patient hearing. The petition, as originally prepared, did not contain the prayer to be heard by counsel at the bar, but only a prayer calling upon the Government to give pledges of their sincerity in the vindication of the great principles of civil and religious liberty; the subsequent prayer was added for the sake of unanimity. It seemed to him that these two prayers were quite consistent. The noble Lord had misapprehended him in supposing that he had contended for the right of one branch of the Legislature alone to set aside the law; while he agreed with the petitioners in calling upon the noble Lord to abolish the oath of abjuration, he, at the same time, fully concurred with the noble Lord that that could not be done by the House of Commons alone. The second part was quite consistent with the first, and all the law required had been done. It was hopeless to divide the House; but as there was nothing unconstitutional in asking the House to alter the decision of last Session, he would support the Motion.

MR. RAIKES CURRIE said, he threw himself on the indulgence of the House for a moment. Though he seldom troubled them, there were occasions on which a man was obliged to speak, and he felt that this was one of them. He might be permitted to state that he felt unfitted, by his taste, his habits, and his pursuits, to take part in political agitation; but having taken a deep interest in this question for several years past, he could not refuse to take the chair at the public meeting when he was called upon to do so. He quite agreed with his hon. and learned Friend (Mr. Aglionby) as to the respectability of the meeting, at which, as was usual in such cases, resolutions were prepared beforehand, and were proposed and seconded, not by Members of Parliament or by professional agitators, but by men of great eminence and high standing in the commercial world—by such men as Mr. John Dillon and Mr. Samuel Morley. Those resolutions, two in number, were proposed and discussed, and were carried unanimously. To show the calmness of the meeting, he might state that one gentleman who proposed that Baron Rothschild should vacate his seat, and who did not appear to have a single supporter in the meeting, was yet heard through a long speech without any interruption whatever. As he sat admiring this scene—contrasting it with the excitement that often prevailed in more aristocratic assemblies—as he thought of what had taken place in the House only a few nights before, when the hon. and learned Member for Youghal desired at once both to rouse and to defy the tempest; he happened to turn round, when, lo! the hon. and learned Member himself stood by his side, flourishing in one hand his well-known pocket handkerchief, and brandishing in the other a formidable petition. What a sight was this for the chairman of a public meeting! He (Mr. Currie) actually trembled at the apparition. The hon. and learned Member came down to say that they were all wrong, and that he was the only one right—that he was the only one who knew what ought to be done. He expostulated with the hon. and learned Gentleman, but the hon. and learned Gentleman declared vehemently, "I'll carry it." Why, the hon. and learned Gentleman, with his vehemence and perseverance, could carry anything—no public meeting could stand against him. But just at this crisis—at this terrible *nodus* in which the hon. and learned Member threatened to bind the meeting—*Deus intersit* — Minerva came down in the shape of the hon. and learned Member for Cockermouth. That hon. and learned Gentleman, as the House well knew, carried oratorical guns of large dimensions, of no mean report, and no inconsiderable bore. He observed at that time that the hon. and learned Member for Youghal was absolutely pawing the ground, eager for the wordy battle; doubtless he felt—

> "That stern joy which warriors feel
> In foemen worthy of their steel."

He expected nothing less than that a rencounter would take place, and that the two hon. and learned Gentlemen would come into actual collision. But at that moment his attention was called off to the business of the meeting—for this, it must be observed, was all by-play—behind the scenes—and when he turned round again he found that the hon. and learned Member for Cockermouth had used the interval with great diplomatic ability in soothing the hon. and learned Member for Youghal, so that he was able to announce that political panacea they had so often heard of—a compromise. He would put it to any hon. Gentleman who had ever had the misfortune to be chairman of a public meeting, whether, in such circumstances, he would not have gladly accepted such a compromise? He certainly felt no desire to quarrel with it at that time; but he begged the House to observe that the result was the petition before them, concluded with three prayers. The first of them, which prayed the House to call upon Her Majesty's Ministers to secure the great principles of civil and religious liberty, by passing a measure for the total abolition of all religious oaths, was, he might say, the legitimate child of the two resolutions that had been previously passed. But the other two prayers were at best but the grandchildren of those resolutions, begotten upon the *corpus*—he liked to use the legal phrase—of the petition by the two hon. and learned Gentlemen. That was the plain matter of fact; and was he to be taunted for having, as chairman of a public meeting, deserted his duty to that meeting by not supporting two extraneous prayers which had been foisted into their petition? He was quite aware that the meeting unanimously assented to the prayers; but he submitted that they were unable at the time to criticise anything that was proposed by the hon. and learned Member for Youghal.

Mr. NEWDEGATE thought it was perfectly clear that the meeting in the city of London had but a very imperfect idea of what it was about. Which was the amendment, and which was the resolution, nobody could say.

Mr. RAIKES CURRIE: There was no amendment.

Mr. CHISHOLM ANSTEY: I beg pardon; there was an amendment.

Mr. NEWDEGATE thought this contradiction only confirmed what he had said of the confusion. But the meeting of the City of London was not to decide this question. Whatever might be the opinions popular in the City of London, or in the borough of Greenwich, hon. Gentlemen opposite must be good enough to remember that this question had not yet been submitted to the people of England at a general election.

Mr. BERNAL OSBORNE did not rise to enter into any dispute as to whether the hon. Gentleman who had just sat down was a more correct representative of the people of England than the hon. Gentleman the Member for Northampton (Mr. R. Currie). He (Mr. Osborne) believed that the hon. Gentleman opposite (Mr. Newdegate) did represent a small certain party in Warwickshire; but he protested against it going to the country that the hon. Member spoke the opinions of that small party on any question but that of protection. On the question of civil and religious liberty he believed the hon. Member was entirely at issue with his constituents; and he thought that the hon. Member would find this out at the forthcoming general election. He (Mr. Osborne) simply rose now to protest against the language used by his hon. Friend the Member for Northampton. His hon. Friend might be a very good chairman of a meeting, but he took leave to say that his hon. Friend was a very bad advocate of a cause like this. When his hon. Friend attempted to throw odium upon an hon. and learned Gentleman who, however he might excite the risible faculties of that House, he (Mr. Osborne) believed to be superior to very many in that House in learning and in moral courage, and who had done good service on this question; his hon. and learned Friend must see that he was not advocating the cause which he as well as the hon. and learned Gentleman had at heart. He (Mr. Osborne) begged to tender his thanks to that hon. and learned Gentleman for the able, manly, and independent stand which he had taken in these discussions. He (Mr. Osborne) would, on this occasion, venture to offer the noble Lord at the head of the Government a few words of advice. He (Mr. Osborne) had been present at the City meeting, and he knew what the opinions of that great constituency were on this question; and however the hon. Member for North Warwickshire (Mr. Newdegate) might sneer at the City of London, it so happened that the opinions of the City of London were generally carried out in the legislation of this country. He did not suppose that this difficulty could be settled this Session; but unless the noble Lord determined next Session to take up this question in reality, he (Mr. Osborne) was satisfied that the general feeling of the people would be for a reform of the House of Lords. He would frankly say that, for one, he did not wish that demand to be agitated; but he warned the noble Lord that if that was agitated, a devil would be raised not easy to lay again. He hoped the noble Lord would take this danger into consideration. He hoped the noble Lord would bring in a Bill to abolish all religious tests whatever; and he apprehended that hon. Gentlemen opposite were not better Christians than hon. Gentlemen on the Ministerial side of the House, or, if practice was to go for anything in Christianity, that they were not one whit better Christians practically than the hon. Alderman the Member for Greenwich. He hoped that when the noble Lord did bring in a measure dealing with this difficulty, it would at the same time deal with the whole question of religious tests. He hoped that this farce would not go on Session after Session, and that they were not to get for next year a mere "promise to pay," which was never to be honoured.

Sir JOHN TYRELL, as one of those who had voted for the hon. Member opposite (Mr. Osborne), must express his dissatisfaction at the course he had pursued. The hon. Member was one of the stock pieces at all oratorical platform meetings. [Mr. Osborne: I never was at one in my life.] Why, the hon. Member was reported to have been at one the other day. The hon. Member seemed to say, no one was so liberal as himself; but he (Sir J. Tyrell) took the liberty of reminding him that he had been as silent as a mouse during the discussion of the Papal question. [Mr. OSBORNE: I beg your pardon; I was not.] The hon. Member had voted directly against the feeling of the bulk of his constituents, as he would find next election. [Mr. OSBORNE: You don't know.] He was sorry his observations had been taken so much amiss, as at the last election he gave the hon. Member a plumper. As a Member of the reformed House of Commons, he must say they had been drawn into every conceivable question while discussing the present case; and, though most unfavourable similies had been drawn between it and the present House, he must say, as one who had been a Member of the unreformed House of Commons, that they would have got rid of all those pettifogging questions with respect to the petition, and would at once have come to the substance of the case. The hon. Member (Mr. Currie) had certainly taken the most gentlemanly view of it, and he wished those who represented metropolitan districts would take their lesson and their cue from him.

MR. HOBHOUSE rose to defend the hon. Member for Middlesex against the imputations of the hon. Baronet. He said he was dissatisfied with the course taken by the hon. Member for Middlesex, but at all events he could not have been deceived by it, for the course taken by his hon. Friend, as Member for Middlesex, was the same as that taken by him when Member for Wycombe. He could also state, in opposition to the insinuation of the hon. Baronet, that his hon. Friend was fully determined again to present himself before the electors of Middlesex; and he (Mr. Hobhouse) did not doubt that he should again hail him as the representative of that important constituency. While he gave full credit to the hon. Member for Northampton for heartiness in the cause of Jewish emancipation, he contended that he had acted on this occasion contrary to his own better judgment. He thought the question before them was a grave and a constitutional one, affecting the liberty of the subject, the constitution of the country, and the rights of the electors; and he wished to know if they could have a better opportunity of having this subject brought before them in all its aspects than by allowing counsel to speak at the bar? He need not say that there were many precedents for such a course. In the first Parliament in which he had the honour of a seat in this House a loud outcry was made against what was called the sacrifice of the constitution of Jamaica, and counsel were heard at the bar on their behalf. This was a case where a colony was concerned—would they do less where the city of London and the constituency of Greenwich were concerned? Were those near at home to be treated with greater indifference than those abroad? For his part he thought they ought to admit the hon. Member at once. They must admit him soon. If they were prevented much longer, he believed the House of Lords would be in danger. He considered that the House of Lords had a right to reconsider the decisions of the House of Commons—that it formed a useful balance in the powers of the constitution; but if that House opposed itself to the repeatedly expressed opinions of the people, he believed that would only lead to the question being settled in an unconstitutional way. It was for this reason that he should like to hear the arguments of counsel at the bar, as he believed they would throw much light on the case. He congratulated himself for having the other night called up the hon. Member for Greenwich, who did credit to himself, and, he was sure, materially advanced the question, by the taste, the propriety, and the talent he then displayed. He believed the same result might follow from the arguments of counsel. With regard to the settlement of the question, he thought no time was better than the present, when no other question was pressing itself upon their attention. Next year they were to have Parliamentary reform, and other questions were talked of, which would form an impediment to the settlement of this great question, and which, in fact, had always been postponed for questions of ephemeral importance. He would advise hon. Gentlemen opposite not to push their opposition to this question too far, for the time would come when they would yield to clamour what they denied to justice.

MR. CHISHOLM ANSTEY, in reply, said he would not go into the personal questions that had been raised, and which, in his opinion, were more discreditable to the Gentlemen who promoted them, than to the Member who was the occasion of them. He rose only to say, that the petition as it now stood was not inconsistent with the resolutions that had been passed. The prayer, to which the hon. Member for Northampton objected, was that the House should at once seat Baron Rothschild, or give him a hearing. Now one of the Resolutions was, that the House had, by a strained interpretation of an Act of Parliament, and an unworthy interposition of their privileges, defeated the rights of the electors. He put it to the House if there was not the utmost harmony between the prayer and the resolution?

The House *divided*:—Ayes 41; Noes 77: Majority 36.

List of the AYES.

Aglionby, H. A.
Bell, J.
Bethell, R.
Bright, J.
Brown, W.
Clay, J.
Cobden, R.
Collins, W.
Dawes, E.
Devereux, J. T.
D'Eyncourt, rt. hn. C.T.
Duke, Sir J.
Duncan, G.
Ellis, J.
Evans, Sir De L.
Forster, M.
Fox, W. J.
Hall, Sir B.
Henry, A.
Hobhouse, T. B.
Hutt, W.
Keating, R.
Kershaw, J.
M'Gregor, J.
Mahon, The O'Gorman
Mitchell, T. A.
Moffatt, G.
Pilkington, J.
Power, Dr.
Salwey, Col.
Scobell, Capt.
Sidney, Ald.
Smith, J. A.
Stuart, Lord J.
Thompson, Col.
Thompson, G.
Villiers, hon. C.
Wakley, T.
Walmsley, Sir J.
Williams, W.
Willyams, H.

TELLERS.
Anstey, T. C.
Osborne, R. B.

List of the NOES.

Baines, rt. hon. M. T.
Baldock, E. H.
Bankes, G.
Baring, rt. hon. Sir F. T.
Barrow, W. H.
Beresford, W.
Blackstone, W. S.
Bowles, Adm.
Bramston, T. W.
Brisco, M.
Brooke, Sir A. B.
Buller, Sir J. Y.
Bunbury, E. H.
Cabbell, B. B.
Campbell, Sir A. I.
Cardwell, E.
Child, S.
Cockburn, Sir A. J. E.
Coles, H. B.
Collins, T.
Conolly, T.
Cotton, hon. W. H. S.
Cowan, C.
Denison, E.
Dick, Q.
Edwards, H.
Fergus, J.
Ferguson, Sir R. A.
Freshfield, J. W.
Fuller, A. E.
Goulburn, rt. hon. H.
Gwyn, H.
Hallewell, E. G.
Halsey, T. P.
Hamilton, G. A.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Headlam, T. E.
Heald, J.
Henley, J. W.
Hodges, T. L.
Hodgson, W. N.
Hotham, Lord
Inglis, Sir R. H.
Johnstone, J.
Knox, hon. W. S.
Lockhart, A. E.
Manners, Lord C. S.
Maunsell, T. P.
Maxwell, hon. J. P.
Mullings, J. R.
Newdegate, C. N.
Packe, C. W.
Parker, J.
Plowden, W. H. C.
Portal, M.
Pusey, P.
Renton, J. C.
Richards, R.
Russell, Lord J.
Sandars, G.
Sibthorp, Col.
Spooner, R.
Stafford, A.
Stuart, J.
Taylor, Col.
Thesiger, Sir F.
Thornhill, G.
Vyse, R. H. R. H.
Walpole, S. H.
Watkins, Col. L.
Wigram, L. T.
Williamson, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wynn, H. W. W.

TELLERS.
Hill, Lord M.
Craig, Sir W. G.

DAVID SALOMONS, ESQ.—THE OATH OF ABJURATION—ADJOURNED DEBATE.

Order read for resuming Adjourned Debate on Amendment proposed to Question [22nd July]—

> "That David Salomons, Esq., is not entitled to vote in this House, or to sit in this House during any Debate, until he shall take the Oath of Abjuration in the form appointed by Law."

MR. CHISHOLM ANSTEY said, he dissented from the Resolution as it stood, and, even when amended, it was by no mean such as he could wish; but he would accept it, as affording a fair chance of bringing to a satisfactory decision a question of a most unpleasant nature. He could not entirely approve of this Amendment, because it seemed to call on the hon. Member for Greenwich to take the oath of abjuration a second time—for that the hon. Member had taken the oath already he firmly maintained; but it was better he should take it a second time than have his seat in Parliament sequestrated; and without some such resolution as that now proposed, the hon. Member would be excluded from all privileges belonging to the seat, though the seat—as in the case of the hon. Member for the City of London—might be declared full. The noble Lord at the head of the Government seemed to press for a decision on this question. The noble Lord could hardly object to the House paying some regard to the religious scruples of the hon. Member for Greenwich: indeed, he (Mr. Anstey) was glad to see the House adopting more liberal views, to judge by the example of the hon. Member for the University of Oxford (Sir R. H. Inglis), who last year tenaciously adhered to the notion that until Baron Rothschild abjured Judaism and professed Christianity he was not entitled to be spoken of, even in courtesy, as the hon. Member for the City of London; but who had now abandoned that notion, and spoke of Alderman Salomons as the hon. Member for Greenwich. The effect of the oath was the substance of the oath, and the hon. Member for Greenwich had been called on to subscribe to the effect of the oath. He (Mr. Anstey) had repeatedly quoted two Acts of Parliament (8 Geo. I. and 1 Geo. III.), in which the effect and the solemnity of the oath were separated; and whilst lawyer after lawyer had been raising technical objections, they had in no way referred to his argument on those statutes. His argument was, that when Parliament had declared what was of force and effect in the oath, common law would step in and take the effect as substance of the oath in one hand, and with the other change the solemnity, to afford relief to persons willing to subscribe to the substance, but not capable of subscribing to it in a particular form. In neither of those statutes to which he had referred did the words "on the true faith of a Christian" appear, and, therefore, it was evident those words were not considered part of the substance of the oath, but merely the form of adjuration. Under the 6th George III., chap. 53, there would be no adjuration in the oath at all, unless "on the true faith of a Christian" was that form, because the words "so help me God" were not contained in it. To transfer legality of title from Sovereign to Sovereign, the body of the oath had been altered, not by Act of Parliament, but by Resolution of the House; "Queen" had been substituted for "King," and "United Kingdom of Great Britain and Ireland" for "Great Britain and Ireland: if, then, the House had power to alter the body of the oath, they had much more to alter the form of adjuration. In the case of Mr. Pease, the House not only resolved that the words "the true faith of a Christian" should be omitted—although, if those words had not been thought to form the adjuration, Mr. Pease, as a Quaker, would have had no objection to repeat them—but even altered some passage in the body and substance of the oath, in which an allusion was made to "force of arms." Either the alterations made already were illegal, or the alterations he proposed were legal; and the House having altered the oath by resolution on former occasions, could do so again in the present instance. The Attorney General had said there was no parity between the alterations he proposed and the alterations in former instances; if it was only the alteration of a word, he (the Attorney General) would agree to it, above all, if that word was a proper name. Supposing the hon. Member for Greenwich had read on to the word "Christian," and concluded the oath with the words "on the true faith of a Jew, so help me God," here would have been only one word altered—one proper name substituted for another proper name, and the all-important words "on the true faith" would be retained. It might be absurd to put such a case; but the Attorney General compelled the absurdity, for that was the legitimate and natural consequence of the right hon. Gentleman's argument when pushed to its extreme. The hon. Members opposite, and especially their great leader in another place, had objected to the admission of the Jews upon conscientious grounds. But what did the Earl of Derby say when he was consulted on a similar matter in his capacity of a Privy Councillor and a Minister of the Crown, and not as the leader of a faction? Did he say then, as he said now, that these words were a part of the constitution—that they meant a profession of Christianity, and that to change them would be to change the religion of the State? In the year 1829 Sir James Kempe, the Governor of Canada, consulted Sir George Murray, the then Secretary for the Colonies, on an opinion of the Canadian Attorney General as to the effect of a local Act to extend certain privileges to persons professing the Jewish faith. By a clause in the 31st George III., chap. 31, certain local and provincial Acts were required to be laid before Parliament and the Sovereign, through the Secretary of State for the Colonies, before they could pass into law; and amongst those required to be so submitted were all Acts containing any provision relating to any religious form or mode of worship. The question was whether Acts removing the civil disabilities of Jews in Canada must necessarily be submitted to Parliament, and allowed by the Queen. That question was much considered by the Duke of Wellington and the law advisers of the Crown under his administration, and by Lord Grey and the law advisers of the Crown under his administration, until four years afterwards, when, on the 28th of August, 1833, Lord Derby, then Mr. Stanley, wrote thus to Lord Aylmer, the then Governor of Canada:—

"I am not aware why this difficulty (the Jewish disabilities) should not be removed by an enactment of the provincial legislature. If it is supposed that such a law should be laid before Parliament, I cannot think the opinion well founded." He (Mr. Anstey) thought the noble Earl was right in 1833, and wrong in 1851. The question recurred, "Why did they swear the hon. Member for Greenwich on the Old Testament? Because he was a Jew. What authorised them to do that? The Common Law. The House merely followed the example of courts of justice, who every day decided that "the Holy Gospel" of the Jew was contained in the Pentateuch. In the same way he held that the House would be justified in allowing the omission of the words "on the true faith of a Christian." He conceived that the House of Lords had no concern in the matter. All that was required to be done was a mere ministerial Act, and this the House of Commons were perfectly competent to do of their own accord. The noble Lord at the head of the Government professed to be anxious to see the hon. Member for Greenwich admitted. Why, then, did he throw an obstacle in the way of the settlement of the question? The House was not asked to decide the question, but merely to leave it for the decision of a court of justice. The Resolution proposed by the noble Lord, however, might so far prejudice the case as to create a doubt in the minds of a jury whether, in the face of such a Resolution, they would be justified in deciding in favour of the hon. Member for Greenwich. It was quite true that this difficulty might be overcome when the rest of their proceedings were put in evidence, and when the jury were informed by what inconsistent steps the Resolution had been arrived at; but this would depend upon the condition that they had a bench of Judges and twelve men in the jury box, of firmness, acuteness, honesty, and enlightenment sufficient to enable them to disregard the terrors of interfering with Parliamentary privileges, and to do their duty to the subject. But it was because he did not wish to reduce the question to this fearful contingency, that he wished the House to adopt the Amendment proposed.

Mr. HEADLAM said, he had taken no part in the discussion of this question, either on this or on former occasions; not because he had underrated the importance of the subject, but partly because the matter was amply discussed by others, and partly because the conclusion at which he had arrived was a painful one, against which he had struggled, and was consequently not one which he was desirous of pressing upon those who could conscientiously come to a different result. But the case had now assumed a different aspect, and he was therefore anxious to state the view he took of it. In the first place, he begged to say that he did not think it possible to exaggerate the absurdities and inconsistencies that existed under the present law. He felt that the oath of abjuration was utterly unsuitable to the present times; had become entirely obsolete, and that it was not desirable for any reason whatever that it should be retained. As had already been remarked by his hon. and learned Friend the Member for Youghal (Mr. Anstey), "the descendants of the person who pretended to be Prince of Wales during the life of the late King James II." were all extinct; and even had they not been extinct, they would not be of any importance in modern times, such as to make it desirable that they should be made the subject of an oath. Under these circumstances, the oath was worse than useless—it was most objectionable to compel Members when they first entered upon their duties in that House, whether they were Christians or Jews, to go through the solemnity of taking that unnecessary oath: it was a practice calculated to impair the idea of the sanctity of an oath, and to weaken the sense they would otherwise have of the engagements which upon such occasions they might fairly be called upon to enter into. If the oath itself was obsolete and unsuited to the times, the mode in which it was taken was still more improper, and, in his mind, approached even to blasphemy. In the first place, they handed to a Jewish Member coming to the table of the House an Old Testament, thereby recognising his denial of the truth of Christianity, and then, after recognising his denial of the truth of Christianity, they called upon him to swear upon the true faith of a Christian. It was also most unfair and ungenerous to retain an obsolete formality, not for the purpose for which it had been created, not for any purpose which was ever imagined by those who framed it, but for the purpose of making it the means of precluding a portion of our fellow-subjects from the exercise of their just rights and privileges, which rights and privileges could not be now taken away by open and direct legislation. For his part, however, even if the evils and inconsistencies of the present law were ten times as great as they are, he did not think the House would be justified in so far violating the constitution as to take upon itself the power of altering the law and redressing the evil without reference to the other branch of the Legislature. This proposition seemed to him so clear and self-evident, that he felt he was open to the charge of uttering simple truisms, when he stated it to the House; but at the same time when Motions like the present were seriously proposed for their adoption, it became necessary to state such propositions, however obvious and undoubted they might be. Though, however, it was quite clear that the House of Commons alone could not alter the law on account of its evils; yet he admitted it was a different question what the existing law really was, and whether a Jew could be permitted to omit the words "on the true faith of a Christian." Although on this question he had a strong opinion, yet, after the conflicting statements that had been made by high authorities on the subject, it would be presumptuous in him to say that the matter was absolutely free from doubt. If, however, the subject was accurately considered, the apparent difficulties would vanish, and he thought that the House would at once see that they had no power to allow the Jew to omit the words in question from the oath. Much misconception had arisen from the fact, that they had allowed the Jew to swear on the Old Testament. Members imagined that the House in so doing had exercised somewhat of a dispensing power, and they thought that if a power existed to alter, for the sake of the Jew, the mode in which the oath was administered, the book on which he was to be sworn, then that by an exercise of a precisely similar power, they might omit the words "on the true faith of a Christian" from the oath itself. This idea was not an unnatural one, but it arose from an inaccurate conception of the principle upon which the House proceeded, when it allowed the hon. Members for London and Greenwich to swear on the Old Testament. The fact was, that this House exercised no dispensing or peculiar power upon that occasion: it simply administered the oath in the manner prescribed by the common law, which is, with respect to a Jew, by swearing upon the Old Testament. By the 6th of Geo. III., the Act prescribing the present oath, two things had been enacted, first, that the oath should be taken, and second, that a certain form of words should be used. When the statute enacted that the oath should be taken, it did not prescribe whether it should be taken on the Old or the New Testament, but left that to be decided according to the common law. When they referred to the common law they found that it was quite as much a portion of that law that the Jew should be sworn on the Old Testament, as that the Christian should be sworn on the New Testament. This was the view taken and acted on by Lord Hardwicke. The House, therefore, in permitting Jews to be sworn on the Old Testament, exercised no inherent power of its own, but simply adopted and acted upon the practice of the common law, as laid down by Lord Hardwicke, and recognised at various different periods; but the statute itself gave no power to omit from the oath any expressions which it contained, and which were in truth intentionally introduced in consequence of the distrust at that time prevailing with respect to the Roman Catholic subjects of the Crown. A good deal had been said as to whether the words "on the true faith of a Christian" were of the substance of the oath, or whether they were simply words of adjuration. It was, however, quite a separate and distinct matter to leave out words from the body of the oath; and the practice of Jews swearing by the common law on the Old Testament, constituted no argument, afforded no analogy, to justify the House in exercising such a power. In his view, the question was not very material, because, whether they were of the substance of the oath, or words of adjuration, in either case they were something prescribed by the statute in addition to the ordinary taking of an oath. There was no doubt but the words "on the true faith of a Christian," as well as other expressions in the oath, were distinctly prescribed by the Legislature as guarantees to be enforced by the House; and therefore, however absurd the law might be, there was no authority enabling the House to omit those words, and the oath must be taken according to the form prescribed. An argument had been raised on the 10th George I., which he confessed had surprise him. That statute was quoted as an authority to justify the House in leaving out the words in question. The legitimate argument from the statute was directly the reverse. For a particular period, and a particular occasion, this Act authorised the omission of those words. The inference was, that except on that occasion the omission was not authorised, and that it required an Act of Parliament to justify such an omission. His hon. Friend the Solicitor General felt that this statute was opposed to his view, and laboured to reduce its effect. And the other, the Government argued strongly from these statutes in favour of their view; but neither party last year thought that it could be seriously argued, that this statute afforded an argument in favour of the omission of these words from the oath. What then was the House to do? It would not, in his mind, be doing its duty if it tamely submitted to the decisions come to in another place on a question involving the principles of religious liberty, and in favour of which the majority of that House had again and again declared. The electors of the city of London had exhibited a steady perseverance in this question; and they would not be doing their duty towards them or towards themselves if they allowed the question to rest in its present state. How then must it be carried? Not by violating the constitution or the law; but it must be carried in the same manner as other great questions which were opposed by a minority, namely, by throwing upon those who resisted the change, the responsibility of carrying on the Government upon the principle involved in that resistance. He believed that if the Government took up the question next year in an earnest and sincere spirit, success would attend their efforts. He regretted the delay that had already taken place; but there was this consolation, that when this measure was carried, as carried it would be, it would be more valuable than if carried in the first instance, and would effect a triumph by promoting the cause of civil and religious liberty, not only in this country, but throughout the world.

Mr. JOHN EVANS did not conceive that noble Lords who had thrown out the Jews Bill in another place, had exercised more than their constitutional privileges; neither did he participate in the opinions of some individuals who charged the noble Lord at the head of the Government with lukewarmness and indifference on this question. He believed the noble Lord to be sincerely anxious for the success of the measure which he sent up to the Lords, and that no man was more desirous to admit the Jews to seats in the Commons' House. With regard to moral influence, he did not see how the discussions of the last few days could have the effect of exercising any moral influence over those who rejected the Jews Bill in another place, as those discussions had had no relation to the propriety of the measure, but only to the law of the question. As regarded the

law, he did not agree in the conclusions of his hon. and learned Friend who last spoke. In order to ascertain what the law really was, it was necessary to look into the black-letter Acts on the question. The first of all these Acts was that of the 13th of William and Mary, which provided that the oath of abjuration should be taken before any Member could take his seat. The Act of the 1st of George I., ch. 13, introduced a new oath, but it had reference only to persons in the pay of the Government. Another Act, the 9th of George I., passed, which extended the abjuration oath beyond the parties referred to in the Act of the 1st of George I. It extended to every person in England, Wales, and Berwick-on-Tweed, and the oath was to be taken before the 25th of November. If not taken by that time, it was to be taken before the 25th of March in the following year. In the following year the 10th of George I. was passed, and it extended to all the subjects of His Majesty, except women, who were expressly exempted. In the last clause of that Act it was provided that when the oath was tendered to persons of the Jewish persuasion, the words "on the true faith of a Christian" should be omitted. That showed that the oath was to be taken in the form which was most binding on the conscience. His hon. and learned Friend said that this Act was of local application, and only passed for a particular time. No such thing, for every person in the kingdom was to take the oath in the form prescribed in the Act of Parliament except the Jew, in whose favour the words "on the true faith of a Christian" were omitted. This showed the meaning of the Legislature, and proved that the terms in question might be varied according to circumstances. For if a Jew took the oath, omitting the words "upon the true faith of a Christian," and a Christian took the oath with those words, what was the difference in regard to what they swore to? Did they swear to a different thing? No. The difference was not in what they swore to, but in what they swore by; one swore by the faith of a Christian, the other swore on the faith of a Jew. That was no part of the oath, but only of the adjuration; and since the case of "Omichund *v.* Barker," the rule had been that the adjuration which was binding upon the conscience was to be observed.

Question put.

The House *divided*:—Ayes 50; Noes 88: Majority 38.

List of the AYES.

Aglionby, H. A.
Alcock, T.
Barron, Sir H. W.
Bethell, R.
Boyle, hon. Col.
Brocklehurst, J.
Brotherton, J.
Cowper, hon. W. F.
Crawford, W. S.
Currie, R.
Dawes, E.
Devereux, J. T.
D'Eyncourt, rt. hn. C. T.
Duke, Sir J.
Ellis, J.
Evans, Sir De L.
Evans, J.
Fitzroy, hon. H.
Forster, M.
Fox, W. J.
Geach, C.
Heathcoat, J.
Henry, A.
Hutt, W.
Kershaw, J.
Langston, J. H.
Locke, J.
M'Cullagh, W. T.
Martin, J.
Mitchell, T. A.
Murphy, F. S.
Norreys, Sir D. J.
O'Brien, J.
O'Connell, M. J.
Osborne, R.
Pilkington, J.
Scobell, Capt.
Scully, F.
Smith, J. A.
Spearman, H. J.
Stuart, Lord J.
Tancred, H. W.
Thompson, Col.
Thompson, G.
Thornely, T.
Tollemache, hon. F. J.
Villiers, hon. C.
Wakley, T.
Walmsley, Sir J.
Willcox, B. M.

TELLERS.

Anstey, T. C.
Hobhouse, T. B.

List of the NOES.

Baines, rt. hon. M. T.
Bankes, G.
Baring, rt. hn. Sir F. T.
Barrow, W. H.
Bellew, R. M.
Beresford, W.
Birch, Sir T. B.
Booth, Sir R. G.
Bouverie, hon. E. P.
Bowles, Adm.
Bremridge, R.
Buller, Sir J. Y.
Bunbury, E. H.
Cabbell, B. B.
Campbell, hon. W.
Campbell, Sir A. I.
Cardwell, E.
Child, S.
Clements, hon. C. S.
Cockburn, Sir A. J. E.
Cocks, T. S.
Coles, H. B.
Collins, T.
Cowan, C.
Craig, Sir W. G.
Cubitt, W.
Currie, H.
Denison, E.
Dodd, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
East, Sir J. B.
Ferguson, Sir R. A.
Forester, hon. G. C. W.
Freshfield, J. W.
Fuller, A. E.
Goold, W.
Gore, W. O.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Gwyn, H.
Hallewell, E. G.
Hamilton, G. A.
Hanmer, Sir J.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Headlam, T. E.
Heald, J.
Henley, J. W.
Hervey, Lord A.
Hildyard, T. B. T.
Hodges, T. L.
Hogg, Sir J. W.
Hotham, Lord
Inglis, Sir R. H.
Jones, Capt.
Labouchere, rt. hon. H.
Lacy, H. C.
Lewis, G. C.
Lindsay, hon. Col.
Lockhart, A. E.
Lowther, hon. Col.
Manners, Lord C. S.
Morris, D.
Naas, Lord
Newdegate, C. N.
Oswald, A.
Packe, C. W.
Palmerston, Visct.
Parker, J.
Portal, M.
Reid, Col.
Ricardo, O.
Richards, R.
Rumbold, C. E.
Russell, Lord J.
Sandars, G.
Seymour, Lord
Somerville, rt. hn. Sir. W.
Spooner, R.
Stanford, J. F.
Thesiger, Sir F.
Wigram, L. T.
Williamson, Sir H.
Wood, rt. hon. Sir C.
Wrightson, W. B.

TELLERS.

Hayter, W. G.
Hill, Lord M.

MR. BETHELL said, that he begged to represent to the noble Lord and to the House the manner in which the proceedings of Her Majesty's Government, and of the noble Lord at the head of it, would be regarded in after times. Let them observe the state of the question before the House. A point having arisen whether certain Gentlemen elected Members of that House by overwhelming majorities of two of the largest constituencies of the kingdom should be sworn at the table of the House, and in what manner that should be effected, it had been admitted on all sides of the House that there was no principle in law nor any statutory enactment that prevented the admission of the Jew to be a Member of that House; but Gentlemen on the other side of the House discovered that the form used, and particularly the language at the end of it, might serve the purpose that they had in view. Accordingly, professing to act on Christian principles, and with a view to preserve the Christianity of the House, they adopted the principle of letting the end sanctify the means; and although it was admitted on all sides that the words in question were not intended to have any reference to Jews, and although it was plain by the language of the Act of Parliament that they were introduced for a purpose altogether different and diverse, still those Gentlemen had not scrupled to avail themselves of that technical objection, and upon that to rest the whole of their opposition to the admission of the Jews. Now, let them observe, that upon this question the great principle evolved itself for the first time—shall any citizen of this empire, in all other respects qualified to be elected a Member of that House, be excluded from the House on account of his religious faith? He repeated that this principle now for the first time evolved itself, for it never arose with respect to the Roman Catholic, who was not excluded on account of his religious faith, but because it was believed, rightly or wrongly, that, along with his religious faith he held a particular political tenet—that citizens and subjects might be absolved from their allegiance; and it was on that ground, and that alone, that Papists were excluded. To have struggled for the whole of his life to establish the great principle of civil and religious liberty, had been the pride and glory, and would hereafter be the greater part of the reputation, of the noble Lord at the head of the Government; but he (Mr. Bethell) regretted his shortcomings on this occasion. The moment that this technicality was brought forward on the other side, he might have crushed the petty attempt, and have upheld and carried out a great principle, had he really had faith in it; and that House and the country would have abided by him in that course. He might have declared that the Jew, if not excluded by common or statute law, should not be excluded by this wretched attempt to pervert mere formal words into substance, and to convert them into a purpose altogether alien from that contemplated by the Act of Parliament. But, playing the game of his opponents, he gave up that great principle, and declared his intention to bring in an Act to make law of that which was already the law. By so doing, he brought the matter to this pass, that unless those on that side of the House who were in favour of this great principle took their stand there, and fought out the battle that he should have fought, this great question must be altogether abandoned until the light of free discussion should break in upon another place. He called on him not to pursue so suicidal a course as to bring forward a Resolution, which was a most wretched and miserable conclusion of these debates and this protracted investigation of the subject, inasmuch as it was really no more than the question itself, in the shape of an affirmative proposition couched in very bad English. That Resolution declared that Alderman Salomons was not entitled to sit and vote in that House, not having taken the oath in the form appointed by law. Now what was the form appointed by law, and whether Alderman Salomons had taken the oath or not, were the questions that had been so much discussed, and they were questions which it belonged to that House to decide. If there were a difficulty about the matter, he trusted that House would adopt a course analogous to that pursued by the other branch of the Legislature. Had a question of similar difficulty arisen there, recourse would have been had to the advice of the learned Judges on the construction of the statute. Now, the duty of the House of Commons as legislators was at an end when they had made the law; its interpretation belonged to the proper tribunals of the country. And as they had not the opportunity of consulting the learned persons who presided there, the proper course on a question which certainly admitted of great doubt would have been, not to bring forward a Resolution that should conclude the matter, stifle discussion, hang up this question in a most unsatisfactory state, and be, so far as that House was concerned, a prohibition of further agitation on the subject, but to have left the matter to the decision of the proper tribunals to whom the constitution had committed the sole right of interpreting the statute law when once it was passed by the Legislature. But, although entreated to adopt that course, and to admit of the light to be derived from the learning which would have been brought forward by the learned counsel at the bar, the noble Lord had refused, as far as he was concerned, to promote any further discussion, and was now prepared to contend that this matter should not be put in course of investigation and trial before the proper tribunals of the country, and would not lend his aid to have this important legal question legally determined. Let them do what they would, however, to prevent a trial in a court of law, it would be had, and the opinion of a court would be pronounced; and what reputation and character would they have before the country, if, having prevented any further discussion in that House, by a resolution of the kind proposed (totally at variance with what they had previously professed), they were found to have put upon a statute an interpretation totally at variance with the judicial and rightful interpretation of it by the Courts of Westminster Hall? They must then do that which they had been obliged to do before, whenever the House had been brought by its leaders into conflict with the people, instead of being the exponent of their desires, feelings, and wishes. The House was in a false position whenever it put itself in opposition to the great constituencies. They had placed themselves in that false position, and they might depend upon it that on every vacancy which arose Jews would come forward, and if there was any liberty or independence in the constituency, they would be returned; and if the Parliament lasted long enough, Jew after Jew would be returned, until they were brought to a sense of their position by the miserable absurdity in which they found themselves involved. For what could be more absurd than to admit that Baron Rothschild was the legal Member for the City of London, and Alderman Salomons for Greenwich, and yet to refuse to admit them to a seat in that House; thus overruling all the political rights of that large body of the constituency of the United Kingdom by a resolution which refused to allow the matter to be investigated? He begged the House to consider how disadvantageously their course on this occasion contrasted with former precedents. The case of Wilkes had been alluded to; but there was another, that of Horne Tooke, which had not yet been cited in the course of the debate. Horne Tooke, being a priest in holy orders, was permitted to take his seat, and on that occasion a question was raised as to whether the election was legal, or whether the election was not a void one altogether. On that point there was a great difference of opinion, and many conflicting opinions were given by lawyers who were Members of the House. The House resolved that, in consequence of those doubts and of the difficulties in the state of the law, they would pass a Bill to alter the law, or rather, in fact, to declare it for the future; yet Horne Tooke retained his seat, spoke throughout the whole of that Session, and continued to sit, act, and vote as a Member of that House until its termination. The House in that instance did not proceed to the disfranchisement of the constituency which elected Horne Tooke, or to the exclusion of the elected Member. He adverted to that matter to show in what a different way that Parliament acted when a question was started and difficulties arose with regard to what was the law. He humbly submitted that in conformity with what had previously taken place, they could not exclude Mr. Salomons until the whole question had been discussed before a tribunal which was the legal expositor of the law in question, and to whose decisions on the point the most bigoted and obstinate in that House would have the grace to submit. He entreated the noble Lord to withdraw this Resolution, and to consider what sort of an account he would have to give of his conduct in this matter, when he might unquestionably have prevented matters reaching their present pass, or at all events have suspended the decision of the House until the question had been submitted to a legal tribunal. He was far from wishing that any question which it was one of the privileges of that House to decide, should be determined by another court; but this question involved what was part of the law of the land, and they would, therefore, involve themselves in no inconsistency, or any surrender of their undoubted privileges, in obtaining from a court of law the proper construction of the law, for in all that they had been doing they had been professing to be trying to ascertain, and then to follow, what was the law according to the true construction of the statute. He begged the noble Lord, out of regard to his own credit, to let the matter rest undetermined at all events for this Session, further than it might be considered to be prejudiced by the proceedings of last Session, which went upon different grounds; and, in the meantime, let an effort be made to obtain an interpretation, by the tribunals to whom the constitution had committed the duty, of that statute upon which Gentlemen on the other side relied, and which those on that side of the House admitted to be the only obstacle to the admission of the Jews.

Lord JOHN RUSSELL said, that he must observe that although the hon. Gentleman who had just resumed his seat was a very eminent lawyer, with all the resources at his disposal that his knowledge of the law gave him, he had carefully abstained from all reference to the legal part of the question. He had instead appealed to him (Lord John Russell), and had said that if he valued religious liberty, and would follow the broad principles of the constitution, and had a regard for religious peace, he would act as he (Mr. Bethell) advised him. But as this was a legal question, he thought the hon. and learned Gentleman should have shown that the course which he had recommended was in accordance with the law; for whatever might be his (Lord John Russell's) opinion on the advantage of admitting a Jew in Parliament, he could not act on those principles if the law were against him. If the hon. and learned Gentleman had shown him that it was clear according to law that they might admit Mr. Alderman Salomons to take his seat in that House, and could have shown him how he could effect, what he wished to see, all religious disqualifications abolished, he could understand that being urged upon him as an additional argument; but that on a question of law this should be the only motive appealed to, only showed that the hon. and learned Gentleman, who was so good an authority, did not rush into those topics that others less acquainted with the law were apt to do; but, on the contrary, he carefully abstained from them, because he knew the ground, and knew that it was ground upon which he could not obtain a sound footing. The hon. and learned Gentleman had also on this, as on former nights, avoided all reference to the history of this case, and had spoken as if he (Lord John Russell) had for the first time brought forward a resolution which he had concocted in bad English (as he was pleased to say), and had endeavoured to induce the House to adopt it for the first time. But this Resolution, as those who had been longer in the House than the hon. and learned Gentleman were well aware, was not an original resolution of his (Lord John Russell's); and this was not the first time that it had come before the House. Last year his hon. and learned Friend the Solicitor General had a Committee on this subject; and though that Committee was not authorised or desired to report opinions, yet in the course of the discussions in that Committee, it was not difficult to discover what was the opinion of Members of that Committee on that subject; and out of twenty Members who composed that Committee, his hon. and learned Friend the Member for Oxford had not more than one Member with him upon the question as to whether Baron Rothschild could take his seat. It was quite evident what was the opinion of the legal members of that Committee, and of others who had had long experience in that House; they were not prepared to defend the view which the hon. and learned Member for Oxford (the Solicitor General) took upon the question. What occurred when Baron Rothschild came to the table of the House to take the oaths? His right hon. Friend the Master of the Rolls proposed two resolutions, one of which was in the terms of the Resolution now before the House; and after a great deal of discussion, and after an Amendment had been moved by the hon. Member for Montrose (who, he regretted to say, was now absent from indisposition), the House decided by a majority of 166 to 92 in favour of the Resolution which now stood on the Journals of the House. So that, so far from the House adopting and placing on its records for the first time this Resolution, they would only be reaffirming what they had already adopted. That being the case, it did not appear to him necessary again to argue the reasons for this Resolution. Alderman Salomons having taken a course not exactly the same as, but similar to, that taken by Baron Rothschild, it appeared to him, if the House came to any resolution on the subject, that that which it could most fitly come to was the Resolution already placed on its Journals. The hon. and learned Gentleman said, "Why not take the opinion of a court of law?" He (Lord John Russell) had no objection to the opinion of a court of law being taken on those questions which properly belonged to such a tribunal; and they had been informed that day by the hon. Member for Greenwich (Mr. Alderman Salomons) that the opinion of a court of law would be taken as to whether or not he had incurred the penalties contained in an Act of Parliament. Now, that was a question which properly came before such a court; but how they could refer to a court of law the question whether a Member at the table of the House had properly taken the oaths or not, he really could not conceive. For that House to wait there till a court of law had given its opinion on that point, was a course which he thought the hon. and learned Gentleman must see it would be impossible for the House to adopt. The hon. and learned Gentleman quoted some cases, and others had quoted them, as if they were precedents in this matter. But he held that these precedents were totally inapplicable. In one instance, that of Mr. Wilkes, the House of Commons, proceeding on its own view of its own powers, chose to say that the author of a libel ought to be expelled from the House, and afterwards that a Member who had been expelled from that House could not sit in it again. But in those cases the House proceeded entirely on its views of its own character, and on certain precedents which were thought to bear on the question. They were not proceeding upon the construction of any law; but, right or wrong (and he believed they were very wrong), they were proceeding on their own opinion of what the House ought to do in a matter on which the law did not guide them. So that these precedents had nothing to do with the present case; and he must again repeat that the question before them was whether they were right or wrong in the interpretation of the Act of Parliament which stood before them? The hon. and learned Gentleman spoke of the question as if it were a matter for his (Lord John Russell's) discretion, or the discretion of the Members of that House to settle. But, as far as he could learn, hitherto, and until the last year certainly, it had been generally supposed that the interpretation of the law could not be other than that which the House had put upon it. It was alleged that the case relating to the oath of abjuration was not exactly the same, but very similar to that of a declaration contained in an Act of Parliament which he had had the honour of introducing in that House. It was a declaration which persons admitted to offices were allowed to make, and to that declaration was added by the House of Lords an Amendment, to which this House afterwards assented—the words "on the true faith of a Christian." Yet, in 1845, and not without former precedents, a Bill was introduced by Lord Lyndhurst—a considerable authority in any matter of this kind—and in the preamble of that Act it was declared, "Whereas, persons of the Jewish persuasion cannot conscientiously make the declaration contained in the Act" to which he had referred. Why, according to the doctrine now laid down, that preamble should have been that the parties were not obliged in that declaration to use the words "on the true faith of a Christian." Instead of which here was an Act of Parliament, solemnly passed by Parliament, declaring with respect not to all offices, nor to every instance in which the declaration was required to be taken, but with regard specifically to municipal offices, that the words "on the true faith of a Christian" should not be necessary to be taken, and that those having a conscientious objection to the words so mentioned might make the effect of the declaration in other words. This Act of 1845 was an additional proof that hitherto the law was interpreted in the sense in which he understood it. He thought the House of Commons could not do otherwise, therefore, than to persist in its previous course, and attach the same sense to these words. If, in the course of the question coming before a court of law, any new light should be thrown on the subject, there was no reason why the House of Commons should not avail itself of that new light; but he thought all the information which they had at present before them, must induce them to believe that they would overstep the law if they permitted Alderman Salomons to take his seat without taking the whole of the declaration.

MR. CHISHOLM ANSTEY said, he could not allow the arguments of the noble Lord to pass altogether unnoticed. Since the agitation on the Jew question first began, an Act had been passed, and the preamble of that Act the noble Lord applied as a kind of argument against the right of a Jew to sit in Parliament. Now, the first legislative measure to relieve the consciences of the Quakers was passed in the time of William III.; and ever since that time down to a recent period there had been an accumulation and a superfluity of enactments for the same purpose. Among these Acts was an Act of George II., allowing Quakers to affirm; but the power previously existed, and that Act was wholly unnecessary. So there was equally no necessity for the Act of 1845, which had been cited in this case by the noble Lord. There existed the 1st & 2nd of Victoria, which allowed the omission of the words objected to by the Jew when appointed to "any office, or employment, or on any occasion whatever"—a declaration as general as words could be; and that statute was in force in 1845, when the statute which the noble Lord quoted became law, and therefore the Act of 1845 was supererogatory. Yet the noble Lord had been totally silent with regard to the 1st & 2nd Victoria. Again, there was no distinction between this case and that of Mr. Wilkes. There were no precedents for the course recommended by the Government, and they had not the decision of a single court of law in their favour; it was, therefore, only just and reasonable to demand that they should allow the matter to stand over until it had been entertained by a court of law, whose jurisdiction was admitted to be competent to decide upon it. Although an election petition complaining of the undue return of a Member of that House did not prevent them from allowing that Member to sit and vote; although the validity of his right to do so remained undecided for months; yet, by this Resolution they refused to allow an hon. Member, against whose return no complaint had been made, and who had taken the oath in some form at all events, to sit for a few weeks, or even days, pending the decision upon an objection to his claim, raised upon an absurd, obsolete, and condemned statute. It might be worthy of those hon. Members who were zealous for "Christianity," as they called it, but which he called intolerance, to furbish up such a rusty weapon as that in our day; but it was unworthy of the noble Lord, who had hitherto distinguished himself as the champion of civil and religious liberty. And he still ventured to urge upon the noble Lord, for the sake of the right of the subject and of the freedom of the constuencies, to withdraw the Resolution altogether, and to submit it to the House in another shape at the beginning of the next Session, when he would have the assistance and guidance of the Courts at Westminster, which would certaily give a decision on the subject during the recess.

Mr. J. A. SMITH wished to protest against the conclusion to which the noble Lord had come, that because this Resolution had been passed last year in the case of Baron Rothschild, they should therefore again adopt the same in the case of the hon. Member for Greenwich. He had protested at the time, and he still protested, against the Resolution of last year, and he thought it was drawn up unskilfully and in haste, and that it went far beyond the necessities of the case. Even conceding, as he did, that the noble Lord, from his peculiar position, was bound to lend his aid to protect the rights of that House, and to prevent those rights, and the law of the country also, from being infringed; yet he did feel strongly that the noble Lord had come to a harsh and unduly severe decision with respect to the rights of the hon. Members for London and Greenwich, and the rights of their respective constituencies. The noble Lord might, with the support he could command, carry the Resolution he had proposed; but he might be assured that the hon. and learned Member for Aylesbury spoke the words of truth, of experience, and of wisdom, when he said that such a Resolution could not terminate the discussion of this most important question. They would come again and again before the House in every way that ingenuity and perseverance could devise; and if they were, as he presumed they should be, defeated that night, they would submit to their defeat with the most certain and deliberate conviction that they would ultimately be triumphant.

Main Question put.

The House *divided* :—Ayes 123; Noes 68 : Majority 55.

List of the Ayes.

Adderley, C. B.
Baines, rt. hon. M. T.
Baldock, E. H.
Baldwin, C. B.
Baring, rt. hon. Sir F. T.
Barrow, W. H.
Beckett, W.
Bellew, R. M.
Beresford, W.
Birch, Sir T. B.
Boldero, H. G.
Booth, Sir R. G.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Broadley, H.
Buller, Sir J. Y.
Cabbell, B. B.
Cardwell, E.
Carew, W. H. P.
Child, S.
Clements, hon. C. S.
Cockburn, Sir A. J. E.
Cocks, T. S.
Coles, H. B.
Collins, T.
Conolly, T.
Cotton, hon. W. S.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Currie, H.
Denison, E.
Duckworth, Sir J. T. B.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
East, Sir J. B.
Ebrington, Visct.
Egerton, W. T.
Estcourt, J. B. B.
Ferguson, Sir R. A.
FitzPatrick, rt. hon. J. W.
Forester, hon. G. C. W.
Freestun, Col.
Freshfield, J. W.
Fuller, A. E.
Goold, W.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grenfell, C. P.
Grenfell, C. W.
Grosvenor, Earl
Gwyn, H.
Hall, Col.
Hallewell, E. G.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hanmer, Sir J.
Hatchell, rt. hon. J.
Hawes, B.
Hayes, Sir E.
Headlam, T. E.
Heald, J.
Henley, J. W.
Hervey, Lord A.
Hindley, C.
Hodges, T. L.
Hogg, Sir J. W.
Hotham, Lord
Inglis, Sir R. H.
Jones, Capt.
Knightley, Sir C.
Knox, hon. W. S.
Labouchere, rt. hon. H.
Lacy, H. C.
Legh, G. C.
Lewis, G. C.
Lindsay, hon. Col.
Lockhart, A. E.
Lowther, hon. Col.
Manners, Lord C. S.
Matheson, Col.
Melgund, Visct.
Meux, Sir H.
Morris, D.
Naas, Lord
Newdegate, C. N.
Ogle, S. C. H.
Owen, Sir J.
Packe, C. W.
Palmer, R.
Palmerston, Visct.
Parker, J.
Plowden, W. H. C.
Pusey, P.
Reid, Col.
Ricardo, O.
Richards, R.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Sandars, G.
Seymour, Lord
Sibthorp, Col.
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanford, J. F.
Sutton, J. H. M.
Taylor, Col.
Thesiger, Sir F.
Tyrell, Sir J. T.
Waddington, H. S.
Wigram, L. T.
Williamson, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Wynn, H. W. W.
Young, G. F.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the Noes.

Adair, H. E.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Anstey, T. C.
Armstrong, R. B.
Bell, J.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Clay, J.
Crawford, W. S.
Currie, R.
Dawes, E.
Dawson, hon. T. V.
Devereux, J. T.
D'Eyncourt, rt. hn. C. T.
Douglas, Sir C. E.
Duke, Sir J.
Duncan, G.
Evans, Sir De L.
Evans, J.
Ewart, W.
Fitzroy, hon. H.
Forster, M.
Fox, W. J.
Geach, C.
Greene, J.
Hall, Sir B.
Heathcoat, J.
Heywood, J.
Hobhouse, T. B.
Hollond, R.
Howard, Sir R.

Hutt, W.
Langston, J. H.
Locke, J.
M'Cullagh, W. T.
Mahon, The O'Gorman
Mitchell, T. A.
Murphy, F. S.
Norreys, Lord
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, J.
O'Connell, M. J.
Osborne, R.
Pechell, Sir G. B.
Pilkington, J.
Power, Dr.
Salwey, Col.
Scobell, Capt.
Scully, F.
Smith, rt. hon. R. V.
Spearman, H. J.
Stuart, Lord D.
Stuart, Lord J.
Tancred, H. W.
Thompson, Col.
Thompson, G.
Thornely, T.
Tollemache, hon. F. J.
Villiers, hon. C.
Walmsley, Sir J.
Westhead, J. P. B.
Willcox, B. M.
Williams, W.
Wilson, M.

TELLERS.
Bethell, R.
Smith, J. A.

CONVEYANCE OF MAILS BY RAILWAYS BILL.

Order for Committee read.

House in Committee.

Clause 1.

MR. BECKETT DENISON said, he objected to this clause, which repealed the 11th section of the 7th & 8th of Victoria, c. 85. The effect of the Bill was to allow any post-office officer to stop at any place upon a railway, and drop or take up bags, on consideration that he should pay the same sum that any other passenger did; but there was this difference in the cases, that no passenger was allowed to put down or take up luggage at any station except the one he himself stopped at without additional payment. The Railway Companies complained that new charges were put down in the Bill, that, in short, greater services were required than before. He considered that the Post Office ought not to be allowed to fix its own terms, but that the rate of remuneration shall be left to arbitration. He objected, therefore, to this clause.

MR. CORNEWALL LEWIS said, he could not admit that the demand of the Government was at all unreasonable. The Bill, in truth, would not make any substantial difference to the different Railway Companies. Its only object was to define more clearly a Clause in the 7th and 8th Victoria, which this Bill proposed to repeal. The sole point at issue was, whether the messenger of the Post Office should have a right to come on the platform to deliver and take away his mail bags. No dispute in that point had occurred in England, and, therefore, to the English Railway Companies the Bill would not make the smallest difference; but in Ireland and Scotland the question had arisen. In Ireland, Lord Chief Justice Blackburne had decided, with very great hesitation, in favour of the Railway Companies; but he had recommended, in the present doubtful state of the law, that it should be amended. In Scotland, on the other hand, it had been decided in favour of the Post Office. The object of the Bill, then, was simply to remove the existing doubts, and to reconcile these varying decisions.

MR. BECKETT DENISON thought the law should remain as it was till the dispute was fairly settled. No question had arisen upon the point in England.

MR. COWAN said, the Railway Companies objected to the Bill, because it was unjust for the Government to exact the maximum of service for the minimum of remuneration. There was a very general complaint in the north of Scotland respecting the delay of the mails.

MR. G. A. HAMILTON said, that it was clear that this Bill imposed an obligation on Railways to which they were not liable at present; and as the Bill had been brought in at a very late period of the Session, he thought it ought not to be persevered with.

The CHANCELLOR OF THE EXCHEQUER said, that all that the Government proposed to do was, when they found a train going, to send a servant of the Post Office with a bag of letters, and that was all. They did not propose to alter the times of starting, or the places for stopping, and they would put the railways to no expense whatever. They would pay for the man who went with the bags, and this arrangement would enable the Post Office to afford accommodation to many small towns in England, which must be withheld if it could not be given at this cheap rate. He was well aware that there had been conflicting decisions on the subject in Ireland and Scotland; and he thought that instead of censure, the Government deserved praise for an attempt to place the law on an intelligible and uniform footing.

MR. BECKETT DENISON admitted that letters were sent by the ordinary trains of the Great Northern Railway from Leeds to Peterborough; but they were sent as a parcel, and without a guard. The effect of the proposal made by the Government was, that the guard should get out at every station where the train halted, delivering one bag of letters, and taking in another. This would occasion great inconvenience to the passengers.

Mr. MANGLES opposed the Clause. The Railways throughout the kingdom only paid, on the average, 2 per cent to the proprietary, and the public had no right to a cheaper rate of conveyance for letters than a fair arbitration would give them.

Mr. LOCKE said, he should certainly support the Amendment of the hon. Member for the West Riding (Mr. B. Denison). The Railway Companies based their position on the Bill of 1844, and all they asked for was a fair remuneration under that Act, and to that they were justly and reasonably entitled.

Mr. LABOUCHERE said, they had the Irish and the Scotch Courts of Law coming to conclusions on this point precisely at variance. It was, therefore, highly necessary that the law should be made more intelligible. He denied that the Bill had anything like confiscation for its object. The Government were obliged to come to that House and ask for an interpretation of the law, which would be equally just towards the public and the Railway Companies. Finding that the law was obscure, the Government could not do less than ask that House to confirm the decision which had been given by the Courts of Law in Scotland, which, in the opinion of the Government, and of the Law Officers of the Crown, had put the right construction upon the Act of Parliament.

Mr. CLAY said, if it appeared, on investigation, that the intention of the law was conceived in a spirit of unfairness, either towards the Railway Companies or the public, he did not see why that House should not set the matter right. Under the provisions of the Bill, considerable delay would take place by the trains stopping at all the small stations for the purposes of the Post Office. That would be a great inconvenience to the Railway Companies, for which, in fairness, they were entitled to compensation; and he thought the person to determine that compensation was an arbitrator, and not the authorities at the Post Office.

Colonel THOMPSON was under the necessity of maintaining the right of the Legislature, within reasonable bounds, to control the proceedings of the Railway Companies where the interest of the public was concerned. The railways were the creatures of the Legislature, to an extent which authorised this claim; and there was no want of parallel cases, where the Legislature assumed and exercised a similar power. The instance which first occurred to him, was that of quartering troops upon the keepers of houses of entertainment. He should not have been so earnest on this subject, if it had not been within his knowledge, that in the part of the country with which he was connected, the interests of the public in the conveyance of their letters were set at defiance by the unreasonable use made of their present powers by the Railway Companies.

Mr. GLADSTONE said, the right hon. Gentleman (Mr. Labouchere) had stated that his object was to give a clear construction to the Act of 1844. If the Government had been charged with an attempt to aggress on the Railways on this occasion, it was partly owing to the form of the Bill which they had introduced. There could be no doubt as the right of the Legislature to interfere with railways, but in the exercise of that right Parliament was generally governed by the wishes of the Railway Proprietors themselves. If this Bill were intended as a new enactment, he should say it was founded on a principle which was not tenable, the only ground on which it would be justified was its being only a construction of the existing law. He did not think the Bill could be sustain- as a Declaratory Act, because the Bill of 1844 (which he himself introduced) simply authorised the carrying of mail-bags as luggage, and enacted that the servants of the Post Office should be charged for as passengers. The question of the convenience or the inconvenience of the Railway Companies at stations, never entered into the views of the Government in their communications with the Companies on this subject. The Government had not in their view the question of transactions at stations. It was clear that no passenger had a right to deal with his luggage as he liked on a journey, or to get in and out at the intermediate stations. He was ready to admit that a guard with his letter bags was a very troublesome kind of passenger, so much so that few people would be found that would like to travel in the same carriage with him; and he thought this was a case in which the Railway Companies had a fair claim to compensation.

Mr. G. SANDARS said, he must protest against the case alluded to by the right hon. Gentleman the Chancellor of the Exchequer being drawn into a precedent; he was himself chiefly instrumental in that arrangement being carried out, and it was simply this, the conveyance by the Great

Northern Railway of a bag daily from Leeds and Wakefield to Peterborough, and for this service a certain remuneration was to be given; but had it been required, as in this Bill, that a guard with the letter bags should accompany each train, with liberty to leave and take up bags at every station where the train stopped, then, of course, a larger remuneration would have been required; and he (Mr. Sandars) could see no better way of deciding what that should be than as at present existed, namely, leaving it to be settled by arbitration. He considered the object of the proposed clause unjust toward Railway Companies, and it should have his decided opposition.

VISCOUNT PALMERSTON said, the Committee seemed to have lost sight of the principle on which these railways were founded. They were all founded on Acts of Parliament, which were based on the principle that private rights were to be over-ridden in consideration of the railways being for public purposes. He thought, then, that in principle railways should be required to perform this service. It was admitted that as the law now stood, they were liable to perform this duty, and it was said they were willing to perform it; but then it was said, "give us a fair remuneration." It was said the amount of compensation required would be but small, but on that subject he must confess he had his doubts. The main question seemed to be, not whether the guard was to go as a passenger, not whether he might not get out and amuse himself on the platform, but whether the guard was to pay for every bag that he took up as a fresh parcel. Now he thought it was very arbitrary that every passenger should be made to pay for every parcel he took in without exceeding the weight that was allowed him. Really he did not see why the public should be compelled to conform to that regulation, provided, as was provided by this Bill, that the railway should not be put to additional expense by carrying additional weight. This Bill did not impose any obligation with regard to stoppages or delay, or with regard to additional weight. It simply provided that they should perform a public service for a certain remuneration.

MR. GEACH thought the argument that the Railway Companies were put to no more expense unsound and dangerous. The great outlay of capital for a railway was required in the first instance, and then the remuneration for that outlay was obtained from the traffic, in which was aggregated a vast number of minute accounts. When the express train was very full, the actual cost of taking a passenger from London to Birmingham might not be more than 1*s*.; but did the noble Lord suppose that all the rest of the fare was profit? Why were they to take a guard in any other way than as a passenger? and no passenger was allowed to get out and take in new parcels, arbitrary as the restriction appeared to be in the eyes of the noble Lord. It was absurd to suppose it was intended that passengers having 100 lbs. of luggage were to be permitted to get out at each station and change their 100 lbs. of luggage for another 100 lbs. of luggage. Had these conditions been attempted to be imposed by Government before railways were made, no one would have ventured their capital in them, and the public would have been without the benefit of railways. The fact was, Government were determined to get the maximum of advantages and facilities from railways, for the minimum of remuneration. This clause, if carried, would be most injurious to the Railway Companies.

The CHANCELLOR OF THE EXCHEQUER would ask what had been the object of introducing into the Bill of 1844 the clause referred to? Clearly, to give some advantage or other to the Post Office guards. But if it was only to enable those officers to take parcels not exceeding a certain weight from London to Edinburgh, they had that right already in common with other passengers, and the clause was wholly superfluous.

MR. GLADSTONE said, the impression at the time the Clause was introduced was, that a guard had not the power of carrying the Post Office bags as common luggage. The concession was made by Railway Companies, but it never was anticipated that letters were to be carried as luggage in the way contemplated by the clause. As for the decision of the Scotch law courts, he was surprised how a Judge could come to such a decision.

MR. LOCKE said, if this Clause were carried, it would have a very serious effect on railway property. There was no knowing where Post Office exactions would stop if this Clause were carried.

MR. B. DENISON said, Railway Companies did not object to do what was asked of them, but they required to be paid for the service.

Motion made, and Question put, "That the Clause stand part of the Bill."

The Committee *divided :*—Ayes 53; Noes 56: Majority 3.

House resumed.

NEW ZEALAND SETTLEMENTS BILL.

Order for Second Reading, read.

MR. HAWES, in moving the Second Reading of the Bill, said that the settlers had intrusted their representatives here with the mode of distributing the Nelson fund, so that no objection could be made as to this part of the measure. The Bill was rendered necessary in consequence of doubts having arisen whether the New Zealand Company had not exceeded their powers. It might be said, indeed, that all the settlers ought to be consulted as to the transfer of the land, but this was scarcely practicable; any other objections to be urged against the Bill would be best brought forward in Committee. He trusted they would allow the Bill to pass the second reading now.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. BROTHERTON moved the House should adjourn. The Motion would lead to discussion, and it was understood no opposed Motions should be taken after twelve o'clock.

MR. GLADSTONE said, that he must confess that the Bill was not on a sufficiently broad basis to satisfy him. If it was doubted whether the New Zealand Company had not exceeded their powers, the proper thing to do would be to bring in a Bill to ratify what the Company had done. It was plain the question was one on which the settlers ought to be consulted; but they had not had the smallest opportunity of stating their views, and were not aware that the House was going to alter the terms of purchase. He objected particularly to the first two Clauses of the Bill. He also protested against the attempt to press a measure to destroy the minimum price of land in the colony, within nine days of the prorogation of Parliament, and without the knowledge of the colonists.

MR. VERNON SMITH said, no reason had been given why this Bill should be passed during the present Session. He objected to this bit-by-bit legislation for New Zealand, when it was notorious that it would be necessary to bring forward other measures next Session.

The CHANCELLOR OF THE EXCHEQUER said, the objection of the right hon. Gentleman opposite (Mr. Gladstone) was directed against the first two Clauses of the Bill, which might be considered hereafter. The rest of the Bill applied to the Nelson settlement, and it was desirable for the sake of those colonists that the Bill should be passed. He therefore trusted the House would consent to the second reading.

MR. ADDERLEY wished to know whether the right hon. Gentleman intended that the two Clauses should be omitted, or whether he wished the second reading to be taken on the supposition that they should be discussed in Committee. If the right hon. Gentleman intended the principle of the Bill to be discussed in Committee, he (Mr. Adderley) should oppose the second reading. The hon. Gentleman (Mr. Hawes) had intimated that no alteration would take place without the consent of the colonists. It would, however, take some time to obtain that consent, and he greatly objected to placing this power in the hands of the Government until it should be obtained. It was unfair at this period of the Session to press forward such a measure—to smuggle it through Parliament, and he could not consent to hand such a power over to the Government.

MR. AGLIONBY begged to assure the House that the New Zealand Company had no interest in this Bill. He thought the Government had been unfairly treated, and trusted that they would not withdraw the Clauses referred to, which would confer a material benefit on the colonists.

Motion made, and Question put, "That this House do now adjourn."

The House *divided :*—Ayes 3; Noes 51: Majority 48.

Question again proposed.

MR. ADDERLEY moved that the debate be now adjourned.

MR. HAWES hoped the hon. Member would not persist in his Motion. The Bill was not objected to, except the two Clauses referred to by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), and the Government were willing to modify those Clauses.

MR. GLADSTONE said, he was unwilling to stop the progress of business in the House, and, therefore, he had voted against the adjournment. In the hope, therefore, that Government would give some further information than they had yet afforded with regard to the Bill, he would not oppose the second reading.

The CHANCELLOR OF THE EXCHEQUER said, if hon. Gentlemen would allow the Bill to be read a second time, he would communicate with his noble Friend the Secretary of State for the Colonies early in the morning, and state his views respecting these Clauses to-morrow. It would be a pity if that part of the Bill to which there was no objection were retarded.

MR. ADDERLEY said, that the proper time for the right hon. Gentleman to make any such statement was on the Motion for the second reading. He should therefore persist in moving the adjournment of the debate.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 17; Noes 34: Majority 17.

Main Question put, and *agreed to*.

Bill read 2°.

Notice taken that Forty Members were not present; House counted, and Forty Members not being present,

The House was adjourned at half after Two of the clock.

HOUSE OF LORDS,

Tuesday, July 29, 1851.

MINUTES.] PUBLIC BILLS.—1ª Medical Charities (Ireland); Lands Clauses Consolidation (Ireland).

2ª Ecclesiastical Property Valuation (Ireland); Poor Relief Act Continuance; Consolidated Fund (Appropriation).

Reported.—United Church of England and Ireland; Leasehold Tenure of Land (Ireland) Act Amendment; Militia Pay; Soap Duties.

3ª Local Acts (Preliminary Inquiries); Charitable Institutions Notices; Commons Inclosure (No. 2); Copyhold, Inclosure, and Tithe Commissions; Episcopal and Capitular Estates Management (No. 2); Smithfield Market Removal; Civil Bills, &c. (Ireland); Chimney Sweepers Regulation Act Amendment; Ecclesiastical Titles Assumption Bill.

ECCLESIASTICAL TITLES ASSUMPTION BILL.

Order of the Day for the Third Reading read.

The MARQUESS of LANSDOWNE moved that the Bill be now read 3ª.

The EARL of ABERDEEN said: My Lords, having already occupied a considerable portion of your Lordships' time on a former stage of this measure, I certainly have no desire to claim your attention on the present occasion for more than a few minutes. But I cannot refrain from availing myself of this the last opportunity afforded me by the forms of the House to protest against the passing of this ill-omened measure. And, my Lords, the discussion which has already taken place, has certainly not removed the apprehensions which I entertain of its mischievous consequences, nor shaken my deep conviction of its radical injustice and intolerance. My Lords, during a long political life, I have never affected singularity of sentiment, nor am I conscious of having ever been deficient in deference and respect for the opinions of others. If, therefore, I find myself now almost alone in opposition to the sentiments of the House, at least your Lordships must believe that it is in consequence of the most deliberate and dispassionate consideration of what is due to right and to justice. My Lords, I make no complaint and no accusation; but something tells me that many of the noble Lords opposite are not strangers to the feelings which I have expressed at a former sitting. My Lords, what is the situation of this Bill at the present moment? Nothing could be more singular than the opinions entertained of this measure. Carried as it has been hitherto by overwhelming majorities, every Amendment strenuously and successfully resisted, nevertheless no single individual has professed an entire approbation of its provisions. Neither in this House, nor I believe in the other House of Parliament, has any one professed an entire satisfaction with it. Even the noble Marquess (the Marquess of Lansdowne) has declared that he wishes parts of it had been otherwise. With some it does too much; with others too little; but none are satisfied with it as it stands; and the only thing in which the supporters of this measure agree, is in the opinion that something must be done. Now, my Lords, I think that this is a most unsatisfactory and irrational proceeding. The notion of doing "a something" is sure to lead to legislation from passion and prejudice, and not from a calm or an intelligent conviction of the real necessity of the case. My Lords, the noble Baron on the cross-bench (Lord Monteagle) who the other night moved for the omission of Ireland from this Bill, I thought made out the strongest case for the Motion he submitted—a case, indeed, triumphant in argument; but I was compelled not to accede to his proposition in order to avoid mischiefs of a still greater magnitude than those which the noble Lord wishes to avert. In fact, the noble Lord's argument, however strong it was against including Ireland in this Bill, appeared to me to afford still stronger reasons against any legislation whatever on this subject; for it is the effect, the necessary effect, which will be produced in Ireland by this measure, that in my mind furnishes the most cogent argument against all legislation, without a much stronger necessity than any that has yet been alleged for this Bill. My Lords, when we hold out the effect that may possibly be produced from the sudden introduction of such a penal statute as this into Ireland, it has been insinuated, if not asserted, that this course tends to encourage resistance in that country to the law, and to promote a spirit of disobedience, which it ought to be the sincere desire of all of us to check. But, my Lords, what are we to do? Here is a Bill proposed by Her Majesty's Government, which some of your Lordships think pregnant with mischief of every description, and calculated to lead to the most disastrous consequences. Is it not our right—is it not our duty—our imperative duty—to denounce a measure of this character, and to point out, in so far as we are able, the evils which we think are likely to result from it? If we are only to accept a Ministerial proposition, unquestioned, as law, then I am quite sure, in that case, that we had better leave our seats in this House, and make way for others who are more compliant and more docile. But I must say, that until this measure shall have been placed upon the Statute-book, we are perfectly free to deal with it according to our deliberate judgment and consciences, and to denounce what we think the evils of it in any way that may seem fit to us. Now, I admit that when once it becomes law, and has been inserted in the Statute-book, then, although unquestionably that which I think so bad will never change its character by becoming law, yet still the tone in which I shall speak of it will necessarily be modified. I do not say that I shall not be glad at any time to see a constitutional mode adopted for repealing such a law; but, undoubtedly, while it exists, it should be received with the respect and obedience due to all other laws. My Lords, I remember many years ago, a learned friend of mine, well known to the noble Marquess opposite, brought to me the manuscript of a work, and he said—"Now, find as many faults as you can in it before publication, and as few as you can after." That is something of the way in which we ought to treat proposals of law brought forward for our consideration. It is our business to criticise and expose such faults as we think belong to them; and when we have done so, if we fail to make any amendment in the measure, when, not having yet become law, it is still open to be canvassed by your Lordships as freely as on its first introduction, then the decision of your Lordships, as finally pronounced, is entitled to obedience and respect. My Lords, having already alluded to the effects which may be produced by this Bill, I will not enter into a repetition of arguments or of statements to show the evils which must flow from it; but I shall only call the attention of the noble Marquess to a single other point. The noble Marquess very emphatically declared the other night that nothing should have induced him to consent to the second clause of this Bill had it stood as it was originally proposed, and without the security of the consent of the Attorney General being necessary to the filing of any information by the common informer. [Lord BEAUMONT here made a remark.] The noble Lord reminds me that the clause was not originally proposed by the Government, but by those persons who had undertaken to amend the Government Bill. The noble Marquess said, he would not consent to a clause which gave power to a common informer to sue. Now, my Lords, I can only say that, according to the best of my judgment, an indictment may be filed under the first clause of this Bill without the consent of the Attorney General, and liable to be enforced against not only the assumption of titles, but against any exercise of "jurisdiction, authority, and pre-eminence," spiritual or otherwise. My Lords, that is my belief, from the opinions I have received. The noble Marquess must admit that at least this is doubtful, and if doubtful, what a prospect does it open up to your Lordships of consequence, that must ensue? If this be correct, is it possible to exaggerate the mischief you incur by the revival of these ancient statutes—for the first section of this Bill is a declaration of the law? If by the revival of these ancient laws you permit the possibility of an indictment being laid against any act of "jurisdiction, authority, and pre-eminence," struck at by those obsolete enactments, I say then you open up a scene of difficulty, and danger, and wrong, which I shudder to contemplate. Therefore it seems to me that our legislation is likely to lead to dangerous results—for the persons of ability and experience to whom I refer would not have entertained and declared such an opinion, if the question at least did not admit of doubt. With all the respect which I owe to the opinion of the noble and learned Lord on the woolsack, this, it must be remembered, is a question which will go before the Courts of Common Law, and will have to be decided by a jury. I refer to this alone as a reason for anticipating, especially in Ireland, the evils to which I have alluded. I take it for granted, however, that as all amendments have been rejected hitherto, so, even to remove a doubt on this subject, an amendment will be impossible. I take it for granted that, as all the amendments which have yet been proposed on this Bill have been negatived by great majorities, any amendment which I might propose on the first clause would be negatived likewise. My Lords, I have now only to say that I shall avail myself of what I consider to be one of the most valuable privileges which your Lordships possess, that of recording on the Journals of the House your reasons for dissenting from any measure which you may think inexpedient. It will be for those who come afterwards to decide whether the reasons for the dissent which I intend to enter upon the Journals are consistent with good policy and good government; whether the apprehensions which I have expressed are well-founded, or whether they are only vain and imaginary. My Lords, I shall say, "Not content" to the third reading.

The BISHOP of OXFORD said, there were circumstances—and those not unknown to many of their Lordships—which rendered it very painful for him to approach this subject; and he therefore hoped that their Lordships would give their kindest attention to an individual so circumstanced. If he had not the fullest belief that if he gave a silent vote on this subject, it would lead to the misconstruction or misconception of his motives, he would have been well content to remain silent; but there were high grounds on which it was incumbent that he, as possessing a prominent office in the Church of England, should come forward on this occasion, and explain the reasons why he gave his full, hearty, and rational assent to the second reading of this Bill. It had been argued in the course of the debate, with great skill and singular ability, that this Bill was a civil and political measure, and that it did not touch at all upon matters of religion. If it were meant to say that this Bill only alluded to civil and political considerations, he had no hesitation in declaring that on such considerations he could not and would not give his assent to it. But he believed that the Bill affected the religious character of the country, and on that ground he should certainly give his vote in its favour. He did not mean to say thereby that it was the province of their Lordships to establish by legislation religious truth. He thought that it was not so. But to him it appeared that there were two entirely different lines of duty belonging to the right rev. Bench of Bishops and to their Lordships and the Legislature of the country on such points. "As we are," said the right rev. Prelate, "the authorities of the Church in this land, to whom has been committed by the law of the land and the people of the land the spiritual superintendence of the education of the poor, we are bound, on two distinct grounds, to protest against this aggression of the Bishop of Rome: first, because it is an introduction of false and fallacious religious doctrine into the land; and, secondly, because it is a systematic intrusion of a rival Church into the ground already occupied by the Protestant Church of England as by law established. We have a right to protest, and the clergy of one diocess of the country in synod assembled has already protested, and I will justify its proceedings in all its details—we have a right to protest against the aggression of the Bishop of Rome. I do not think, my Lords, that this is so much your duty, for you cannot hold the scales in which are to be weighed the differences in doctrine between the Church of England and the Church of Rome." Since their Lordships had given to the Roman Catholics seats in both branches of the Legislature, they had placed themselves in a position in which they were not competent to interfere between the Church of England and the Church of Rome. He had, therefore, never argued against the tenets of the Church of Rome in that House, because it was not fitting to introduce controversial arguments into it after they had given to the Roman Catholic Peers a *status* within it. He therefore did not vote for this Bill on any grounds of sect; still less did he vote for it on the grounds that we were entitled to enter on a course of persecution against our Roman

Catholic fellow-subjects. Such a course was as futile in practice as it was improper, unwise, and unchristian in principle, and therefore he would never lend himself to aid anything which favoured of persecution for religious opinions. It was only in virtue of our being a Christian people that we could protest against this Rescript of the See of Rome as an aggression. They had heard this Bill described as a repulsion of that aggression, and of the insult cast upon the Crown and sovereignty and nationality of England, the insult being the appointment of bishops within this realm. Now, how could their Lordships distinguish that act of the Bishop of Rome from certain acts which had been done of old time, when all Christian authority emanated from Jerusalem as a common centre? Churches were founded at Antioch, at Laodicea, and certain other places, of which we did not catch the names, and to the superintendents of those Churches apostolical authority was given from Jerusalem. Now, if this act of the Bishop of Rome—*quoad* nationality—was an act of aggression upon us, so too were the acts to which he had just alluded; and it was as much an aggression against the nationality of the countries in which the sees of Antioch, &c., were situated, to set up bishoprics there, as it was for the Bishop of Rome to set up bishoprics here. This, however, was the difference between the two cases. This country was a Christian country—a point which he hoped that it was not necessary for him to prove, and, as it was a Christian country, with a Christian Church Government, hence the aggression; for the whole pith of the Rescript of the Bishop of Rome was couched in the declaration that we were not a Christian country, but that we had lapsed into an unchristian state. It was therefore legitimate and right for all the Christian sects of every denomination in this land to say that this language was an insult—that it was a denial of our being Christians—that it was an assertion that our forefathers and ourselves, in casting off the shackles imposed by the See of Rome on all who believed in it, had all lapsed into downright infidelity. We were therefore only claiming our own indisputable international rights, as part of the great Christian community, in denouncing the conduct of the Bishop of Rome as an unwarrantable insult and aggression. Not to have so repelled his conduct would have been an act of unprecedented baseness on our part. We had a right, an unquestioned right, to tell the Bishop of Rome to his teeth—"We and our forefathers before us have shaken off all allegiance to your see, and we repel with the utmost scorn, indignation, and disgust any attempt on your part to usurp jurisdiction over us—an usurpation which neither the laws of God nor of nations entitle you to assume; no, not for an hour." As we had a Church of a certain character, that Church had a right to assist in repelling the aggression. We were only doing what our fathers did at the Reformation, when they separated from the Church of Rome. We declared, at the Reformation, that we belonged to the Church of Christ, and that that Church maintained certain rites and tenets of the Church of Rome, and rejected others. To this day the Church then founded, is part of your national Church and of your constitution. Why else was it that, on the solemn day of the Sovereign's coronation, the Sovereign was surrounded not only by his lay nobility, but also by their reverences the bishops? Why else was it that the diadem which now graced the fair brow of Her Majesty was placed there, not by the most ancient and dignified of Her nobles, but by the hand of the archbishop, Primate of all England? Why, but because you looked on Her Majesty as the head of your Church, and therefore surrounded Her by the chief dignitaries of the Church? Why, but because it was a national acknowledgment that the Protestant faith was entwined with the most cherished of our ceremonies and the most sacred of our institutions. Again, another reason for this protest and for this measure was, that the Bishop of Rome did not confine himself to sending persons into this realm merely for the purpose of attending to the spiritual wants of persons belonging to his communion. If he had, this Bill would not have been introduced, and he (the Bishop of Oxford) would not have supported it. The noble Earl (the Earl of Aberdeen) had said, that nobody was satisfied with the Bill. He (the Bishop of Oxford) admitted that it was not everything he could have wished it to be; but when he could not get what was the best measure in his opinion, he must take that which was next to it. That suggestion led him to another, namely, that we must take men on their own grounds and their own professions. Now, what were the grounds and professions of the Bishop of Rome? His Rescript had not only sent to this country new bishops, but had also abolished all the ancient bishops' sees which it contained. Now if, after you have established a scheme of Church government, founded, as you believe, on the truth, a foreigner sends in his agents to abolish it, and establishes a new scheme of Church government in its stead, and you do not repel his pretensions, you are admitting an interference of a foreigner with your institutions, which must speedily terminate in their subversion and destruction. Look at what might be the consequences of such a Rescript. Suppose—which may God avert!—that a Roman Catholic revolution were to take place in England, and that the Roman Catholic hierarchy were to take possession of our cathedrals and churches. What process must the Bishop of Rome have followed before that Rescript was published? He must have recognised our sees—he must, therefore, have recognised our bishops. He would, therefore, have had to summon them for heresy into his courts. He would then have had to find them guilty of heresy, and would have had to put them out of their sees before he could appoint other ecclesiastics to fill them. But what would be the process now that this Rescript was published? If to-morrow a pro-Roman Catholic revolution should take place, the Bishop of Rome would find all the ancient sees of England swept away—he would have no need to try the existing bishops for heresy—his new bishops would be in full power, and his work would be done to his hands. Thus the Bishop of Rome has interfered with our institutions, and particularly with those religious institutions which England has established for the instruction of her people. He would give his support to the Bill, because it resisted an invasion of the rights of a Christian people—because it protested against the unjust assumption of a foreign ruler to interfere in the concerns of a Christian Church—and because, upon religious grounds, Parliament, as a Christian assembly, and as the professors and supporters of the Established Church, was bound to interfere. Well, then, they came from the discussion of the principle of interference in itself, to the particular form of interference which ought to be resorted to. Without any great liking for this particular measure, he must say he did not at all agree in the reasoning and conclusion of the noble Earl opposite (the Earl of Aberdeen). He did not think the noble Earl was justified in saying that their Lordships gave an irrational and impolitic consent to this Bill. In all legislation, men must be often governed in their choice, not by aiming at the obtainment of a perfect measure, but in selecting the least objectionable, for the choice was a choice of difficulties—they must adopt that which, under all the circumstances, it was wisest and most expedient to adopt. The question was not whether the measure was the best that could be devised, but whether it was the best under the circumstances. He must, in the first instance, express his regret that the Bill had been delayed so long—that it was so late a period of the Session before it reached their Lordships' House; it certainly betokened feebleness somewhere. If something ought to be done, and that this measure was the only thing that could be done, though it was not the best, if it were not in itself unlawful, he felt bound to support it. He said unlawful, for if it could be shown that the Bill would deprive the Roman Catholics of the means of practising their faith, he would deem it unlawful, and would not give to it his support. But the arguments used on this point had, he must say, failed to carry conviction to his mind. All experience went against the argument; for the religious wants of the Roman Catholic population of England had heretofore for a very long period been abundantly satisfied by vicars-apostolic—by bishops, in fact, holding nominal sees in distant countries. It was a mistake to designate them as merely vicars-apostolic and no more—they were quite as much bishops as any others of their Church. It had been urged that the reason why Roman Catholic Episcopacy had not sooner been established in England, was a certain jealousy on the part of the regular clergy, and certain differences amongst the Roman Catholic body. But he believed the cause was really a very different one; for the Pope himself had hitherto been the person who most resisted the desire of having diocesan bishops in England; for up to this moment, as he was informed, and he had every reason to believe correctly informed, the Pope did not wish to come to an absolute breach with the people of this country. He believed he could show undoubted evidence, that in past times the appointment of diocesan bishops was held to be so offensive to the people of England, that Popes were not prepared to take this step. He believed the argument of the unlawfulness of the Bill, founded on the supposition that Roman Catholics would not be able fully to practice their faith, to be wholly groundless and futile, and that bishops could not do more in the administration of the requisite spirituality of the Church, than vicars-apostolic had been able to perform. He believed the real desire for the creation of a Romish hierarchy in this country, was not for the administration of spiritual affairs, but to increase and encourage conversions; those conversions which had saddened and made mournful the face of the Church of England. The creation of an hierarchy, such as that contemplated, would set up before the eyes of those wavering members of the Church of England a visible and immediate communication with the See of Rome; it would be an outward manifestation of its power, and it would facilitate aggressions upon the faith and doctrines of those who did not belong to the Bishop of Rome—so that there was ground for the national movement, ground for the interference of the Legislature, and ground for their sanctioning a measure which, though not the best in the abstract that could be devised, was much better than to leave everything undone. He would again say, that by passing this Bill they were not acting irrationally, nor upon passion, nor influenced by any lower motive; but they were acting rightly and wisely, and as prudent men, not mere optimists, ought to act. But having said this much in justification of the course which he, in common with the majority of their Lordships, would pursue by supporting this Bill, he felt bound to say that neither the mode of proceeding, nor the Bill itself, were what they ought to have been. That it was not the best mode of proceeding, he would attempt to prove. For a long period after the Reformation, attempts had been made by penal laws to enforce the truth and to extirpate error. They trusted more or less to persecution. That was one conceivable mode of dealing with the question. He thought it an irrational, unfaithful, unchristian, but a distinctly appreciable mode. The next course was to ignore the existence of the Bishop of Rome. The oath of supremacy was constructed upon that idea. They affected not to know any Roman Catholic clergymen; they affected not to know, as a fact, that bulls, briefs, and rescripts, were received from the Pope. They ignored the creed, they shut their eyes, they winked and connived at the facts which they well knew in every capacity but as legislators. That, too, was an intelligible, though he must say he did not think it was a good mode of proceeding—for it was not good for nations any more than for individuals to lend their sanction to an untruth. But, lastly, the time arrived when their Roman Catholic fellow-subjects were allowed to take seats in Parliament —when an acknowledged *status* was given to their bishops and archbishops, and, in short, when it was no longer possible to ignore the existence of a creed whose privileges and pretensions were continually forced upon their notice. But as it was no longer possible to persecute nor proper to ignore the existence of the Romish Church, he yet thought there was another line of procedure which might have been adopted by the Government, and which he regretted had not been adopted. He thought the Government might have attempted through Parliament to regulate intercourse with that Church whose existence could no longer be denied. He did not mean to regulate it by anything in the nature of a concordat, or by any other step which would involve any participation in, or national recognition of, the doctrines of the Romish Church, nor by taking any step which would make the State in any way a party in enforcing the dogmas or the authority of the Bishop of Rome, or conferring upon him any special jurisdiction; but he meant a course by which the highest possible penalties would be imposed upon any person bringing into this country any brief, bull, or rescript which contained anything hostile to the institutions of this land, unless it had first been subjected to the supervision of the Government. Had such a law been in existence recently, the Pope would never have made such an attempt, and all this agitation and strife would have been avoided—all this perplexity and delay and confusion have been prevented. He thought we ought closely to examine into the relations of this country with the Bishop of Rome—we ought to allow that Church such privileges as were necessary to her for the exercise and practice of her faith; but anything which was not so necessary—which was merely meant to confer undue authority and power for its propagation, and to which they could show no just right, he would altogether withhold. That was a line of demarcation upon which the Government could firmly stand; but upon the ground occupied by this Bill, it was impossible to stand. There was the fact—a most lamentable fact, doubtless, but still a fact—

that among us there were persons who believed that, for their souls' safety, they must have direct intercourse with the Bishop of Rome. To these persons it might be well to say, "You shall, then, have intercourse with the Bishop of Rome for your souls' safety, but for nothing else. We will not seek to dictate how that spiritual intercourse shall be regulated; we will make no narrow bargain in the matter, but we say, and the nation re-echoes, that the only terms on which such a communication can be recognised is, that it shall not in the least militate against that which, as its own inherent right as a member of the free commonwealth of Christian nations, this Protestant realm of England vindicates for itself." I think the whole provisions of this Bill are doubtful. There were two parties—one said it went too far, and another that it did not go far enough. Now, he would say that it went too far, and yet that it did not go far enough. If the Bill was capable of effecting good, it did not go far enough. He owned that had the noble Duke pressed his Amendment, he would have given to it his support, for he did not think it was ever meant to enforce those money fines. The Amendment of the noble Duke would have made the measure self-executing. An Amendment had also been proposed elsewhere, which he considered ought to have been adopted, in order to render the Bill a thoroughly honest and self-consistent and effective measure: the provision, namely, which declared that the Sovereign of England being the sole fountain of honour within her dominnions, any Ministers of the Crown who should, without the express sign-manual, assign rank and precedence to any Roman Catholic prelate within the dominions of the Crown, in respect of titles merely derived from the Bishop of Rome, should be deemed guilty of a grave penal offence. It implied a contradiction in terms of the most absurd and mischievous kind, that while there was all this excitement in Great Britain and Ireland against the pretensions of the prelates of the Church of Rome, those prelates should, in our colonial possessions, have, under the direct sanction and authority of Her Majesty's Ministers, all honour, rank, and precedence assigned them. Let their Lordships suppose the instance of a disputed succession to the Throne, a Pretender, who created nobility as well as the lawful Monarch—would not the assumption of titles under such an appointment, be held a misdemeanour—and those titles be null and void, and utterly worthless. But, suppose this Pretender had conferred titles upon other persons in our colonies—an integral portion of our empire—what would be said to a Government which recognised those titles there? He need not tell their Lordships. Such conduct would not be tolerated. It would be considered too absurd and ridiculous to be for a moment entertained. But this was the case of the Bishop of Rome; for no sound reason could be shown why his nominees on whom he had conferred titles in our dependencies, should not be treated exactly in the same way there as here. He looked upon the Bill as unsatisfactory in another respect, namely, that it left Roman Catholic religious houses unvisited. He did not affect to have any fears for the result of the division to which their Lordships were this night about to come. He knew they were going to pass the Bill; but he would venture most respectfully to entreat of their Lordships not to consider this question as settled by the passing of this measure. Let not your Lordships (continued the right rev. Prelate) be satisfied with the transfer of this Act to the Statute-book, nor suppose that the Protestant feeling of this country will be satisfied by this step. I have heard many sentiments drop in this debate which have given me pain. It was here stated that it is not the intention of the Government to enforce this law, and that it is meant simply as a declaration of Parliament. With old and obsolete statutes, passed in times very different from the present, and with an entirely altered state of circumstances, I grant it may not be wise to carry out the penal provisions of those old statutes. Everything changes but the eternal principle of truth. But I would say that it is useless and mischievous to pass a measure which you do not intend to enforce. I know there must be much difficulty in putting into operation the provisions of an Act such as this, and I know you will have much to contend with. But do not, I conjure you, lay the unction to your souls that the mere passing of this Bill, as a sort of protest, will be sufficient. To pass it and not to enforce it, would be an insult to those by whose strength it was carried, and a direct encourgement to renewed acts of aggression. The Bishop of Rome said, "You talk, but I act; you go on passing Resolutions, but I go on founding sees; you go on getting a law passed, I proceed with the ordination of my bishops."

What can be more weak, more unworthy of a great nation, than to carry a Bill, and yet, when carried, to shrink from its enforcement. What can so effectually throw ridicule upon your proceedings? You obtain machinery to work out the wish of the Legislature, and the will of the nation, but you decline putting that machinery into operation. Take care, my Lords, of such a course. The mere passing of this Bill may produce calm and quiet; but it may be a deceitful calm, and we may repose in fancied security till all is lost. I cannot look upon this as a light or trivial matter. I believe that, with the maintenance of our faith, the interests of humanity are at stake. I believe the dearest rights of the human race are involved in the reformed faith of the Church of England. I believe that Church is the battle-field upon which the conflict has been and must be fought. Do not pride yourselves too much on your strength. I warn you of your danger. You have a subtle enemy and powerful foe to contend against—a Church which has existed for 1,300 years, through forty generations, of men—a Church which is wary and incessantly watchful—most able in carrying on this struggle—a Church full of the tradition of her victories, and of the successes of her councils—which has had in her communion many of the noblest and ablest men—a Church which spares no pains in the training of her priests to fit them not only for her ministry, but for the making of converts. I know that we have little human strength, little human ability, to compete with this great depositary of accumulated experience and traditional learning; and knowing these things, I tremble lest you might be betrayed into inactivity. Your foe is sleepless at this moment. The Church of Rome understands the value of our Church, and the resistance of our people to her pretensions. She fears our Church, because she knows it is the true and apostolic Church; and it is because she entertains those ideas that she is incessant in her endeavours to supplant or overthrow the Church of England—that some of the dearest ties of domestic life have been most mercilessly sacrificed. Knowing as I do it is for this she has sent out a new order of friars to preach a holy crusade against the Church of England—that she has newly instituted and sent out Oratorians to harangue, and Jesuits to intrigue; and, being aware of all this, I say that if you pass a measure which is to leave us weaker in the conflict, because it is to be a measure promising much and performing little, you will have done evil service to the reformed faith of this land. On these grounds I venture to say that, without being able wholly to approve of that which is proposed to you, I act rationally and wisely in supporting the third reading of the Bill.

LORD STUART DE DECIES said, the measure before their Lordships appeared to him so utterly at variance with the principles of civil and religious liberty that he felt constrained to express his dissent from it. In the opinion of the most able professional men in both England and Ireland, that Bill involved no less than a prohibition of any legal form of episcopal Church government in the Roman Catholic Church. When the Roman Catholics sought for the superintendence of a spiritual hierarchy, they were met by imputations of designs upon the property of the Church of England. He would ask where was the policy, the consistency, or honesty in refusing to the Roman Catholics those institutions which they deemed so great a blessing when enjoyed by themselves? That was his answer to the right rev. Prelate who had just sat down. He said, that as members of a Christian Church they were bound by that great rule, "Do unto others as you would be done by them." By that rule they could not support that Bill. But he would ask them how were they to deal with the Church in Ireland? The right rev. Prelate, in the course of his speech, had made no allusion to that country. Was Ireland, however, to suffer for the aggression alleged to have been committed in England upon the Royal supremacy, by substituting a Roman Catholic hierarchy in place of vicars-apostolic? But who could seriously believe that that Rescript could possibly affect the episcopacy of England, or indeed, any Church whatever, but the Roman Catholic body? It was evident that there must be some temporal head of every Church; and what more natural or proper than that when this country became Protestant, that headship should be vested by Roman Catholics in the Pope? In fact, for more than 300 years the Roman Catholic Church in Ireland had been governed by archbishops and bishops, appointed under the authority of Papal Bulls and Rescripts; yet they were now called upon to cut off all communication between the Roman Catholic Church and its spiritual head. Their Lordships could not well understand what the effect of that measure would be in Ireland. The Roman Catholics would have the alternative of obeying their Church or the law, and it was easy to see that the Church would succeed in obtaining the obedience of the people; and that recourse would be had to every species of political agitation, to procure the repeal of that obnoxious Bill, which subjected them to such cruel oppression. They would have Catholic associations, as they already had, on the one hand; and Orange lodges, Protestant societies, and Brunswick clubs on the other, until the entire of Ireland was reduced to that state of anarchy and confusion from which it had been rescued by the passing of the enactment of 1829. There were some who doubted whether this country had derived any advantage from the Emancipation Act. But he thought the events of the year 1848 would show the wisdom of the Legislature in passing that Act. Their Lordships might think that the insurrectionary movement of that period in Ireland had been put down by the military and naval force engaged; but any one who had been in that country at the time could tell them that, excellent as had been the conduct of the forces employed, it was less to their exertions than to those of the Roman Catholic priesthood the empire was indebted for having escaped the waste of an unknown amount of blood and treasure. Was it wise, then, to alienate from them that priesthood, or prevent them from doing the same thing again under similar circumstances ? They could only meet the increased spiritual action of the Roman Catholic Church by increased spiritual action on the part of their own Church; but they never could expect to put it down by a temporal Bill of pains and penalties, like that then before their Lordships. It was chiefly because he believed the Bill would be extremely injurious in Ireland that he should say "Not content" to the Motion for the third reading.

The DUKE of ARGYLL wished to explain some remarks of his which had been misunderstood, and commented on by the Bishop of Oxford. He considered that the Church of England, being an establishment and a national institution, any insult to it by a foreign Power was a legitimate ground for legislation by the Imperial Parliament; and though not a member of that Church, he would be always willing to vindicate her claims against foreign aggression of any kind. He did not at all agree with the right rev. Prelate that this Bill would be useless if its penalties were not enforced; for the declaration of Parliament by a solemn Act, that those titles could be no longer assumed with impunity was itself a most valuable national declaration, and it would no longer by possible to argue that these sees had been recognised by the silence of the law. The right rev. Prelate had dwelt at much length on the many dangers from which the 100*l.* penalty clause would save the Church of England. On the probable efficacy of that part of the Bill, the right rev. Prelate had spoken most feelingly. Well, if such was his real feeling, the right rev. Prelate ought, as soon as this Bill should receive the Royal assent, to wait upon the Attorney General, and instruct him to commence a prosecution against the new Roman Catholic bishops. Some objection was taken the other evening to the language which he (the Duke of Argyll) had used, in referring to the protest of the bishop and clergy of the diocese of Oxford, against the creation of the Roman Catholic hierarchy in this country. He had undoubtedly described that protest to be as offensive to large bodies of Christians in this country, as was the pastoral of Cardinal Wiseman, inasmuch as that both documents claimed undivided sway over all baptised persons within the respective districts of Oxford and Westminster. This doctrine he considered utterly fallacious, and he would always protest against it; but in making use of the word "offensive," he did not wish to be understood as applying it personally. The right rev. Prelate had described the Church of England as the great bulwark of the Protestant faith. It might be so; that it had been so, he fully admitted, and he trusted in God that it might long continue to be so; all he could say was this, that it was an indiputable fact that, at this moment, the Church of England was the only Church, as far as he knew, in the Protestant world, which was sending forth day after day perverts to the Roman Catholic faith.

The BISHOP of OXFORD read extracts from the protest of himself and his clergy, for the purpose of showing that they did not, as was alleged by the Duke of Argyll, claim jurisdiction over all baptised Christians within the diocese of Oxford, as did Cardinal Wiseman with respect to his pretended arch-diocese of Westminster. The protest simply claimed jurisdiction over "all Christian people committed to their charge."

EARL FORTESCUE having been prevented from taking part in former discussions on this Bill, was anxious, especially after which had fallen from the noble Earl (the Earl of Aberdeen), to express his cordial approval of it. He approved of it alike for what it did, and what it left undone; for whilst it went directly to repress the aggression which had been made under the authority of the Pope on the prerogative of the Crown and the rights of the Church of England, it left to the Roman Catholics the fullest enjoyment of their civil rights, the most entire freedom in their religious worship. One of his first votes in Parliament had been given forty-five years ago, for a Motion made by the late Mr. Fox, in favour of the Catholic claims; and from that time to this he had constantly supported every Motion for the extension of religious liberty. But the grant of that liberty to other Churches, must not allow them to insult or invade our own. His noble Friend (Lord Stuart) had expressed his fears, that the good feeling and tranquillity produced in Ireland by the Catholic Emancipation Act, would be destroyed by this measure. Now, he (Earl Fortescue) had cordially supported the Emancipation Act, as a great act of justice and policy; but he could not altogether agree with his noble Friend as to the good feeling and tranquillity which had resulted from it, though he was glad to hear from him, as a contrary impression had gone forth, that the Roman Catholic clergy had generally done their best to discourage and prevent the disturbances of 1848. In the the present instance, he did not believe that the hostility of the Irish bishops and priests would be shared to any extent by the great body of the people. He had been told more than once in the course of these debates, that this measure would become a dead letter on the Statute-book. He seriously hoped it might be so, from the necessity that after it became law, all parties would feel of obeying it. But if the contrary should be the case, and attempts should be made to evade or defy it, he was sure that whatever party might be in power, the indignant voice of the British nation, would force upon them the adoption of more stringent measures, and that none would be more earnest in calling for such measures than the old and tried friends of religious liberty.

The Earl of GLENGALL said, the noble Lord (Lord Stuart de Decies) had given the Romish priests credit for putting down the insurrection of 1848, but he had forgotten to give them credit for getting it up; the fact being this—they, at least many of them, had supported it, but when they found the fight at Ballingarry a failure, then they exerted themselves gallantly to prevent the populace turning out. If a Select Committee was appointed, the truth would come out. Mr. Smith O'Brien had stated in Dublin, previous to his going to the south, that unless he knew he had the support of the priests, he never would be insane enough to attempt an insurrection. The trials at Clonmel proved that the Government did all they could to suppress the part which the priests had enacted. Again, one great proof was Lord Clarendon's letter, detailing their astounding conduct, the whole of which was capable of proof before a Select Committee. Regarding the extension of the Bill to Ireland, after the conduct of the Romish bishops at the Synod of Thurles, was it surprising the Bill was extended to Ireland? Had they not denounced the foundation of the Queen's Colleges in Ireland, agreed to by the Crown, the Government, and the Imperial Legislature? Had this occurred in a Romanist State on the Continent, probably the Romanist bishops would have been escorted over the frontier by gendarmes. Again, the Synod had put themselves at the head of the tenant league—the fixiture of tenure system—the confiscation of the lands of Ireland—the ruling of the transactions between landlord and tenant. Regarding the population, *quoad* the relative numbers of Protestants and Catholics, two noble Lords had stated the Catholics were overwhelming. The fact was the contrary. In 1821, the Protestants numbered 1,900,000, in a population of 8,000,000; now, in 1851, the Romanists have decreased 1,700,000, consequently, with this reduction, it remains that on the basis of the population, being now 6,500,000, the Protestants are in a greatly diminished minority. The Protestants did not die of famine and disease, and but few have emigrated. The conversions to Protestantism have been numerous; and this huge fallacy of the numerical majority of the Romanists in Ireland will soon evaporate when the real truth becomes known to the English public. Romanism is on the decrease in Ireland, although among a particular class in England it may have made some converts.

Earl NELSON: My Lords, I have not yet had the opportunity of giving my reasons for a determined opposition to this Bill. The insult and aggression is twofold—one unmistakeable, determined, and intentional against the Church of England; the other—for the sake of my argument, I will allow—as strong as you like, against the Crown. No one can be more energetically opposed to the insult to our Church than myself; it was a determined declaration of war against her, sweeping away, as far as Rome could, her bishops—taking a stronger step than had ever yet been taken for unchurching us altogether. As far, too, as there has been any insult to the Crown, I should be the first to desire to resist it, and do consider that the course taken by Rome is likely to be fraught with danger, and to be made a means of political aggrandisement, which is especially dangerous at a time when Rome is at the mercy of any foreign Power that may volunteer to support her temporal sovereignty. We have heard much of the great steps which this Bill takes against this aggression, but we have had but little proof of it. The Church question it absolutely ignores—the real danger likely to ensue to the State from any political aggressions of Rome it passes by—and while it leaves untouched and unguarded the great danger to be feared, it deals by pains and penalties with the question of the assumption of titles, which has never been contended in itself to have any special danger, and is only looked on in the light of an insult, and could have been equally met by a solemn protest, expressing our determination to oppose all attempts at the assumption of any political power; and though, my Lords, in cases where the spirituals of religious bodies can be shown to endanger the temporals of the Crown, penal measures may be justified, any wanton interference in spirituals must be looked on as a gross breach of the principles of civil and religious liberty. I say wanton, because I am convinced that a protest would have been stronger than the present Bill, while it would have avoided all the dangers and animosities which must be excited. In the first place, my Lords, what does this Bill do? It denies, under penalties, the assumption of titles, but it does not thereby stop synodical action, as some have talked, or prevent the introduction of the canon law. The bishops have been consecrated, and no temporal law can annul their consecration in the eyes of those who never were bound to them but in conscience. They will be still looked on as possessing all the powers of territorial bishops; and what risk do you run? If you do not carry out the Bill, it will be a triumph to Rome. If you dare to do so, they either oppose or succumb. If they oppose, you run the risk of irritation on the one hand, sympathy for the persecuted on the other, and encourage a taste for persecutions with a third party. If they succumb, you send them again in the background, ignore their existence, and allow them to work away unheeded, but as effectually as before, thus destroying the only advantage of the aggression—the exposure it occasions of the vast strides which Rome has made. How, then, should this aggression really be met? The Church receives her own punishment—bishops are appointed in places which she ought to have occupied, and would have occupied, if not hindered by the State. Is she therefore to go back to penal measures? If she did, she must on the same grounds pray for measures against the Mormonites and others that oppose her. But has the cause of religion prospered by penal laws? No, my Lords. If you fear an increase of Rome's episcopate, increase your own. If you fear Rome's synodical action, allow your own, and counteract it. And, as regards the State question, only one statesmanlike view has been proposed—a solemn protest witnessing to our determination to resist all attempt at political aggression, which, without irritating, would have given a warning to Rome, followed by a Committee of Inquiry, which would, I doubt not, have devised effectual measures for checking political aggression, whilst it secured religious liberty more fully than this crude, inefficient, *ex post facto* legislation. But, it has been asked, why not accept this Bill as a protest? Because I believe it a disgrace to our Statute-book, when a protest gives all the security we require, that we should wantonly irritate by persecution, with the avowed object of satisfying the injured feelings of the people. When I heard this defence from the Lord Chancellor, I was, my Lords, surprised. I had long, as a matter of faith, believed that in these latter days we might be actually subjected to bodily persecutions again for religion, with such a Bill and such a defence for it. I see it no longer by faith, but close at hand. Yes, Rome may persecute, gaining power among the masses. My Lords, I believe the spirit of the meetings of December has blinded your eyes with righteous indignation. They protested against any transgression of religious liberty, but belied their protest by their language and their burning bonfires. They showed a spirit of the worst intoleration, which, under the cry of toleration, tolerates all that does tolerate—persecutes all fixed forms of faith, as transgressing their supposed principles of freedom. I fear some such spirit has led you blindly on to vote for a Bill which leaves the real danger untouched, and will create fifty new ones, rendering effectual legislation well nigh impossible. I have a great suspicion about this Bill. It has come from a suspicious source—from the hands of that great Protestant champion, in thanks to whom many may have voted for this Bill—that man who, if report says true, one short week before his letter, refused to interfere, then put forth his letter to remove indignation from his own shoulders—sent a firebrand into our Church to create disunion, when she required all her strength, and in the first Bill legislated against all episcopacy—shackling the Scottish episcopate, though a bulwark against Rome, and unoffending. Your Bill is full of inconsistencies; it professes to meet the special case, but goes beyond it, while it leaves untouched the real danger; and through all the conflicting arguments put forth in its favour, none have been so strong as the truism that this Bill will sound the death knell of the present Ministry.

The MARQUESS of SLIGO (who was totally inaudible), entered his protest against the Bill, which was founded on popular clamour, and would like to know if the Government were prepared to see the whole of the Roman Catholic prelates of Ireland included in one monster indictment?

LORD REDESDALE said, that he deeply regretted the absence of his noble Friend the Earl of Derby, who, as the representative of a great body, would have been the most fitting exponent of the opinions of a great number of their Lordships. At the commencement of the Session, when some measure was promised in the Speech from the Throne, his noble Friend expressed his doubts of the policy of proceeding in this manner, but said he would give his fair consideration to any measure that might be proposed by the Government; and if it was not likely to be a dead letter, and was framed so as to protect Her Majesty's prerogative in every part of the kingdom, such measure would meet with his approbation. The course pursued by his noble Friend on a subsequent occasion—that of recommending an nquiry into the condition of the Roman Catholic clergy and the Roman Catholic body, to ascertain if any legislation was necessary—appeared to him (Lord Redesdale) a most reasonable and prudent mode of proceeding; but still he was in a position which enabled him, if he saw no particular objection to the measure, to assent to it. It was said by some of those who thought a protest on the part of the Legislature sufficient, that this was only a spiritual aggression; but, if it were a spiritual aggression merely, what was there to protest against? Those who were ready to enter a protest must admit that there was something more to protest against, than a mere spiritual aggression. This aggression was not a movement on the part of the laity of the Roman Catholic faith, but had been directed solely and exclusively by the Ultramontane party, whose object had been to gain the sanction of the respectable laity of that persuasion to their proceedings; but he trusted they would not be drawn into the trap that had been laid for them. There had recently been established a "Catholic Defence Association," which, however, had nothing against which to make a defence, and was aggressive rather than defensive. He believed that the hierarchy had originated where this association had originated, in Ireland—where an Italian monk had recently been appointed Primate by the Pope, in violation of the accustomed order of election, in consequence of the efforts of the Ultramontane party. He considered that the Government had acted wisely in acceding to the advice given them at the commencement of the Session, to insist on including Ireland in the measure, especially considering the manner in which the priests and prelates of the Roman Catholic Church in that country assailed the Established Church, and spoke against its abuses, and used their influence at elections. This Bill would become law, and, he hoped, would be obeyed. He was aware that the organs of the Roman Catholic community urged that there was a spiritual allegiance owing to the Pope superior and paramount to that which was due to a temporal sovereign; but he did not doubt that the majority of the laity of that Church knew how to draw a just distinction herein, and would not be led away by such a doctrine. He was persuaded that Ultramontane opinions could not be countenanced with safety, and that those, too many of whom had, he feared, during the recent agitation, been irritated into an adoption of those principles, would be so led away as altogether to lose that distinction. He was convinced that Ultramontane opinions were incompatible with civil government; and he warned those who were inclined to form such principles to beware how they increased that irritation which he hoped the measure now under consideration was calculated to allay among their Protestant fellow-countrymen.

VISCOUNT GAGE said, he was sorry he had been unable to address their Lordships on the second reading, when he would have wished to explain his vote against the Bill. He would then have shown them, by a review of what had passed with respect to Roman Catholics in this country since 1829, that the heads of that community in England (with whom he was persuaded the creation of the hierarchy had really originated, as Dr. Wiseman had himself admitted, and that the Pope had no more to do with it than giving his formal assent to what they petitioned for) had no ground for supposing that the hierarchy would be opposed by the Government; and, on the contrary, had every reason for supposing that the boon which had been conceded to their Church in Ireland and in the Colonies would be extended to them in this country, and that they might establish that regular Church government which they had long desired. He believed that this was really the case, and that they had been deceived, and had no idea of their conduct being considered an "aggression" or an "insult." It was most natural, seeing what had been conceded to them unsolicited in Ireland and the Colonies, that, giving credit to the Crown, to the Government, and to the people of this country for charity, and for sincerity, and for common sense, they should suppose the same concession would be made in this country. Upon the contrary, however, an anti-Popery agitation had been got up, and a measure carried through Parliament: to prevent the spread of Popery? No such thing—for everything that could conduce to that end had been excluded from the Bill—but simply to prevent Roman Catholic priests from signing their names in a certain manner. This was all it would do, and all that it was calculated to do. It was quite the farce of *Much Ado about Nothing.* He believed, however, that there had been a real Papal aggression, and that the object of this Bill was to merge the substance in the shadow, and draw off the attention of the people from it. The noble and learned Lord on the woolsack had congratulated their Lordships upon the fact that no one had proposed to make the measure more stringent; but he (Viscount Gage) believed this the reverse of complimentary or creditable to their Lordships, and regretted that no one had arisen to propose legislation in respect to the establishment of convents and monasteries in the country. The increase of convents and monasteries was the real Papal aggression; and, if their Lordships were in earnest, and wished to check the mischievous advances of that Church, why did they ignore the real insult and the real danger? Popery laughed at their Ecclesiastical Titles Bill while Parliament left its convents and monasteries untouched. The case was different in the United States of America. The people there cared not one cent for the appointment of an Archbishop of New York or New Orleans, although they would not present them to the President under those titles; but they were keenly alive to the danger of permitting monasteries and convents to inherit property, or to sanction the unlimited absorption of wealth by such religious bodies. In France, too, this danger was perceived and guarded against. It was because he thought that the Government were withdrawing attention from realities to fix it upon trifles, that his name appeared in the minority upon the second reading. The present Bill would offend many and would please none, and he should be glad to see the Government abandon a Bill, and boldly meet the real danger to which he had adverted. He was not intolerant; but things had happened in these establishments which might very well happen again, and which, if the Government permitted such establishments to exist, they were bound to guard against, so far as they could.

EARL GREY begged to make an observation or two upon an allusion in the speech of the right rev. Prelate the Bishop of Oxford. The right rev. Prelat, in pointing out the defects by which the Bill was characterised, had stated the course which he would have recommended, and, amongst other things, had said that no rank or title ought to be given to any Roman Catholic prelates, without some distinct and formal instrument on the subject. The right rev. Prelate had referred especially to instructions which had been transmitted by him (Earl Grey), about four years ago, to the Governors of the Colonies, to the effect that they should give titles of honour to the Roman Catholic prelates, and the precedence consequent thereon. Here he would observe that in the majority of the Colonies the Roman Catholic Church stood upon a footing of equality with the Protestant Church. In Australia, where this question was first raised, the Church of Rome was the sharer of the endowments on precisely the same principles as our own Church there. In some other colonies the case was still stronger for the Roman Catholic Church, because these colonies having been acquired by cession from Roman Catholic countries, had been originally Roman Catholic. Under these circumstances it had been represented to the Government, by the Roman Catholic prelates, that they ought not to be denied the social distinctions accorded to our own prelates; and the request had seemed so reasonable that Government could not deny it, and consequently instructions had been been given that the Roman Catholic prelates should receive the same social distinctions, such as "My Lord," and "Your Grace," in the Colonies which were given to the Prelates of the Protestant Church. The right rev. Prelate (the Bishop of Oxford) had said this ought to have been done, if done at all, by some formal instrument. He must, however, remind the right rev. Prelate, that there had been no formal instrument used in conferring the titles bestowed on the English colonial bishops—that they had been conferred in the case of the Catholic bishops and in that of the Protestant bishops in precisely the same manner. He had no hesitation in saying that in some cases it was a misfortune rather than otherwise to the prelates both of the Protestant and the Roman Catholic Churches in the Colonies to possess titles at all; and had he (Earl Grey) the power to go back, he should establish equality not by giving titles to both, but by taking them altogether away. It was an anomaly that parties should possess titles while their income was scarcely sufficient to maintain them decently; and this was the case with respect to many of the colonial bishops of both Churches. He believed, however, that whatever social privileges or rank in the Colonies were given to the prelates of the one Church, could not in justice or fairness be withheld from the other. It appeared curiously enough that in the correspondence on this subject, he had—without being able to foresee the extraordinary storm that had arisen—observed precisely that distinction the adhesion to which by the Roman Catholic hierarchy would have prevented all the commotion which had taken place. If their Lordships had read the papers which had been laid on the table, they would have found that he (Earl Grey) had distinctly refused to recognise territorial titles, as belonging to the Roman Catholic prelates in the Colonies. He had said that all the Government could recognise was their rank as Roman Catholic prelates within a certain district. He had agreed, for instance, that Archbishop Halden should be designated as "Roman Catholic Archbishop in Sidney," and not "Archbishop of Sidney," and that Bishop Wilson should be called "Roman Catholic Bishop in Hobart's Town," and not "Bishop of Hobart's Town." Before he sat down he had to remark, in reference to an observation made the other night by the noble Duke (the Duke of Newcastle), that he (Earl Grey) remained a determined supporter of the principles of religious equality. He was strongly of opinion that the policy of this country towards Roman Catholic Ireland had not been what it ought to have been; but at the same time he thought that the law should be maintained against any denomination, and that the authority of the Crown and Parliament of this country should be strictly and firmly supported.

On Question, *Resolved in Affirmative;* Bill read 3^a accordingly.

Lord MONTEAGLE said, he rose to propose a clause, a conclusive argument in favour of which had been afforded by the speech of the noble Earl the Secretary for the Colonies (Earl Grey)—a clause which he proposed as a last effort to relieve their Lordships, the Government, the Legislature, and the country, from what he believed to be an imminent danger; a clause to permit the use of the very ecclesiastical titles which the noble Earl had alluded to as being wholly unobjectionable—"Roman Catholic Archbishop in such a district." He proposed to free from all civil penalties, and all criminal proceedings, prelates who limited themselves to these titles. He attached peculiar importance to this exemption from indictment. It had been argued, and not denied, that as the Bill declared bulls, &c., to be unlawful and void, and then imposed a penalty for the violation of the provisions of the clause, the effect was to impose the penalty as a cumulative punishment; because, as the act prohibited was also declared to be unlawful as well as penal, the doing of the unlawful act would subject the perpetrator to an indictment for misdemeanour, as well as to the penalty of 100*l.* Over the criminal proceedings, the Bill gave the Attorney General no controlling check. This argument had not been at all answered. Opinions had since been obtained (of which he had seen three) from eminent counsel at the English common-law Bar, which were all in conformity with this view. Counsel had been asked, first, what would be the effect of Section 1; and, in particular, whether an indictment could be framed upon it? The answer was, that, considering the section as declaratory of the law, an indictment upon it for a misdemeanour would be maintainable. Counsel were asked, secondly, whether a prosecution could be commenced upon such an indictment without the assent of the Attorney General? The answer was in the affirmative. They were asked, thirdly, whether the words of the Bill, "jurisdiction, authority," &c., would include spiritual jurisdiction or authority? The answer was again in the affirmative—that the words, being general, would include and render void and unlawful every jurisdiction or authority. They were asked, fourthly, whether an indictment would be sustainable for an act of spiritual jurisdiction or authority, even without the use of the prohibited title? The answer was, that this would raise a question of fact for the jury, whether the act were done in pursuance of the illegal authority, and if found that it was so done, this would sustain the indictment. Such were the opinions of three eminent counsel of the English Bar; and one of them added that, if three or more persons were concerned or connected together in concoction or committing this act, they might be indicted for a conspiracy, and, if convicted, subject to the punishment affixed by law to that offence. Now surely, if there was any doubt as to whether the Act would bear such a construction, if their Lordships did not remove that doubt (as they easily could) by explaining their meaning, they would be responsible for the very serious evils that must ensue. Another and an absurd incident of the measure was, the inequality of its operation. The reason given for its extension to Ireland was, that it was necessary that the two countries should be treated on an equality. Nothing, however, could be more fallacious than the supposition that this equality was attained. The Bill would act in a totally different manner in different districts of Ireland. It would also act differently in England and in Ireland. To make the whole still more absurd and unjust, the measure would operate more severely on the unoffending bishops of Ireland who were in possession of ancient sees, and no way connected with the present movement, than on the new bishops of England newly appointed under this bull of Cardinal Wiseman. Surely this was not a state of the law which could be defended. It should be at least made clear and intelligible. The object of the Bill was said to be to prevent the assumption of territorial titles by Roman Catholic bishops without the sanction of the Crown. In many instances, but in none more strikingly than the speech of the noble Earl the Secretary for the Colonies, and in the correspondence of the Committee on Education, it had been admitted that if these titles had been taken in a mode which did not imply this territorial aggression, as it was called, the proceeding would not have been considered by the Government as objectionable, neither would it have excited any popular opposition. It was not the assumption of the title of bishop that was objected to—it was his assumption of power as connected with a diocese that constituted the offence. The value of the words "in" and "of" were held to make all the difference. If, instead of calling themselves bishops "of" so and so, they had styled themselves bishops exercising spiritual functions "in" such and such a place, no objection would have been taken. It had been also thought a matter of offence, to advance a claim to universal dominion, which, under a construction that might be given to the Papal Rescript, would lead persons to imagine that dominion was sought to be exercised over all the Queen's subjects. He objected to such pretensions; and just with the same earnestness that the Roman Catholic would reject the supremacy of the Queen over them, or the jurisdiction of our bishops, did he (Lord Monteagle), as a member of the Protestant Church, deny that the Pope of Rome, or any Cardinal or Bishop, had or ought to have, any claim over his conscience or his actions. He did not deny the right of the Roman Catholic prelates to bear episcopal titles; but he did deny the assumption of superiority over all Christians asserted by the Roman Catholic Church. That also was the opinion of the most enlightened and rational of Roman Catholics. Then, if he (Lord Monteagle) could suggest to their Lordships titles which would imply all that was fitting and just, giving to the Roman Catholic his title of bishop or archbishop, his power of fixing that title in reference to a special district, and only asserting that the authority claimed was over his own flock and people, there could be no positive objection taken to the use of such titles. In fact, all that he could urge upon the subject was to adopt the principle already laid down in the Charitable Bequests Act. Sir Robert Peel's Government had drawn up that Act with a studious care, attended with entire success, to give to the Roman Catholic hierarchy everything that could be required in the fullest and most respectful recognition of their position, without conceding any one thing of which the Protestant could complain. His suggestion therefore was, that the Roman Catholics should adopt the titles set forth in that Act, to which he never heard an objection on the part of a Roman Catholic; that the bishops should take the designations used in the Bequests Act, and be thereby protected from all the penalties imposed by the present Bill. What he proposed ought not to give the least offence to the most sensitive mind. Their Lordships should not forget that they were dealing with a class which, of all others, had the most wide dominion—a class of all others upon any portion of which a slight or an attack would be felt as an injury by the whole body. He offered the House the means of avoiding the mischief and danger he anticipated; he suggested a mode of averting a renewal of that religious agitation in Ireland which had always been the curse of that country. He could not help again objecting to the extension of this Bill to Ireland, as being likely to raise up the worst passions of the people of that country. It was asserted as a general principle that the legislation for one part of the country should be extended to the other; but he would ask whether, if this unfortunate rescript had issued for England only, and before the Union, any Government would have recommended the Irish Parliament to adopt such a Bill as the present, because of the Pope's aggression in England? Certainly not; or, if it had been so recommended, he asked whether Lord Cornwallis or Lord Castlereagh would have returned the Bill, as one incapable of being carried, or, if carried, of being executed; and the Irish Parliament would have laughed to scorn the English Government for presuming to recommend such legislation. Therefore, he felt justified in stating that the present Bill would never have been brought forward except for the existence of the Union. Would this recommend the Union to the Irish people? Then, again, suppose there had been at present in existence, any powerful Irish leader, such as O'Connell; if Ireland were now, as it had been, in a state of agitation, would it be believed that any statesman living could have been rash enough to propose a measure like the present? No one would have ventured—he had almost said, dared—to do it. No one would have been insane enough to do so. Then, was it to be said that the absence of political excitement—that the tranquillity which now existed in Ireland—had brought upon the people the visitation of the present measure? These were most dangerous arguments to suggest to the Irish people. You force them to deplore the Union and to regret agitation. Was this wise? There had latterly been most severe afflictions felt in Ireland, hundreds of thousands of the people had been swept from the face of the earth; whole classes had been swept away; but these calamities had been attended with one countervailing blessing—during the last three or four years there had fortunately been an almost total cessation of religious animosity and political agitation. The adoption of this Bill would at once revive agitation, religious and political, and would reproduce those evils from which we were so thankful that we had been relieved. If they wanted a proof of what this measure would do, let them look to the late Limerick election. At Limerick, a noble Friend of his (the Earl of Arundel and Surrey), whose name he could never mention without paying a tribute to his amiable and pure character, was opposed, in an election contest, by an excellent gentleman, locally connected and much respected. What were the characteristics of the election? On one side the election committee was organised by the Roman Catholic clergy, and the excellent and pious Roman Catholic Bishop of Limerick, who had hitherto abstained from mixing in political matters, had been the first to sign the requisition. The Roman Catholic priests and Roman Catholic laity had viewed the contest as one to protect the Roman Catholic faith; while their opponents had been driven to raise the irrational party cry of "Ireland for the

Irish." He did not ask the Government to adopt any new principle by his Amendment. He only asked them to do the same by England and Ireland as it was admitted they did by the Colonies, and, by adopting his clause, enable the Roman Catholic bishops to extricate themselves from the penalties imposed on them by this Bill; to extricate the Legislature and the Government from a fearful responsibility; to extricate Ireland from civil and religious contention, and the empire from incalculable dangers. This could be done by adopting the proposed clause, and enabling the prelates to assume such titles as, while they would satisfy their own claims, had been admitted not to be open to the slightest objection. The noble Lord concluded by proposing the following Clause:—

> "And be it further enacted, that neither this Act nor the hereinbefore recited enactment of the tenth year of the reign of His late Majesty King George the Fourth, shall apply or be held to apply, or in any way to affect any act done by any archbishop, bishop, or dean, by virtue of his appointment by the See of Rome, or to create any penalty, disability, or offence by reason of an instrument of appointment, or the assumption or use of an ecclesiastical title conferred, or purporting to be conferred, by the authority of the See of Rome; provided that the ecclesiastical name, style, designation, or title assumed, used by any such archbishop, bishop, or dean in the holy orders of the Roman Catholic Church, shall be the style or title of Roman Catholic archbishop, Roman Catholic bishop, or Roman Catholic dean, as the case may be, officiating or having episcopal functions within the diocese or district in which he is authorised to officiate, in respect to all persons and congregations of persons professing the Roman Catholic religion within the said diocese or district."

The Marquess of LANSDOWNE: I did not expect to have had to trouble your Lordships twice in the course of this debate; nor should I have done so had it not been for the Amendment, or rather the addition, to the Bill which has been proposed by my noble Friend, and which I felt it my duty to oppose. This addition is, I think, suggested by the anticipation of dangers of the same nature as those which were anticipated by the noble Earl who commenced this discussion (the Earl of Aberdeen), and who said he saw reason to apprehend that indictments might be instituted under this Bill, the effect of which might be to debar Roman Catholics from the exercise of their religion, under that protection from the law to which I admit they are entitled, and of which this Bill is not intended to, nor does it, in point of fact, deprive them. He coupled with this the argument, that the best course to adopt under this aggression would have been to abstain from any legislation at all; but I differ in that respect from the noble Earl; and if he had been in a situation to advise Her Majesty at the time these acts—which he himself condemns as most improper—had been committed by a foreign Power, I think he would not have advised that acquiescence in them by silence, which he now says was the safest course that Her Majesty's Ministers could have adopted. He would then have found that the public feeling and indignation which has been excited by these acts, would have been still further excited by the abstinence that he recommends, and would have assumed a form which must have commanded attention. If a course had been adopted of making no protest against such a proceeding, and making no provision against these acts of violence, by means of which the Papal power, advancing step by step, sometimes by an act, and sometimes by a word, making the word tell upon the act—would not that have had the effect of encouraging these acts? Before six months had passed, I am satisfied, we should have seen other acts committed of this objectionable character, calculated to produce an impression upon the people of this country, and upon the other nations of Europe, that there was no act and no aggression which the Pope could make which must not be submitted to by the people and the Governments; and by such abstinence, we should, in fact, have rendered the Protestant religion of this country incapable of opposing that resistance to these encroachments which the public voice has demanded, and which Her Majesty's Ministers have found it to be their duty to recommend. This question is undoubtedly one of great difficulty, involving nice distinctions between the spiritual and the temporal power. Charles X., at one period, Louis XIV. at another, the Emperor Napoleon, and the greatest sovereigns and legislators, were, for years, unable satisfactorily to adjust this very question of the encroachments of spiritual upon temporal power; and I am not prepared to say that the way we have proposed is the only way to settle the difficulty. But the course Her Majesty's Ministers have proposed is plain, intelligible, and capable of execution; it is more capable of execution than that which my right rev. Friend (the Bishop of Oxford) has suggested with a view to the same object by placing greater restrictions upon the introuduction of bulls into this country. There would be great danger in not striking home to resist any attempt to introduce into this country the system which this Papal bull was intended to introduce. I need not again state that there is a portion of this Bill which I would rather see omitted—I mean the clause relating to the common informer. For as such persons are commonly actuated by motives and objects which are not likely to actuate Government, and as the power from its very nature requires to be exercised with discretion, that is a sufficient reason why the interposition of informers should not have been recognised; but as in order to check abuse we have introduced the most effectual remedy we can, by requiring the consent of the law officers of the Crown before any proceedings can be taken; and if the law officers exercise their authority and do their duty, I have no great apprehension as to the result of this portion of the Bill. The arguments I use are founded on legal opinions, and I only state my own opinion as far as it is corroborated by the highest legal authorities, with respect to the operation of this portion of the Bill. The intention of the Bill is that it should apply only to such cases as would have been objectionable as the law before stood; and a jury will have to determine the nature of the jurisdiction which the party prosecuted under it has attempted to exercise. If that jurisdiction be shown to be of a spiritual nature only, I am sure that no illegality will be permitted to attach to it. I listened with satisfaction to the speech of my noble Friend who introduced the Amendment, not only because I was sure that my noble Friend in moving that Amendment was actuated by a sincere desire to relieve the operation of the Act from any mischief with which it might be supposed to be attended, but also because I found that the noble Lord, in detailing and explaining the grounds of his Amendment, clearly showed how all the proceedings which were complained of might have been taken by the Pope in an unobjectionable manner, if he had chosen to have had recourse to it. For I will say at once and without hesitation, that if the Pope had desired to secure, as it was a lawful object for him to secure, the benefit of episcopal administration to the Roman Catholic subjects of the Queen; if he had informed the Government that such was his intention, and if he had confined himself, both in his Brief, and in the mandate announcing the Brief, to the designations which were contained in my noble Friend's Amendment, there would not have been the least objection to his proceeding. I will go further and say, that even now, although the Pope has not taken that course, there is not one of the spiritual functions of the Roman Catholic Church which, stripped of all connexion with the assumption of territorial titles, cannot be sufficiently exercised under the Bill as it now stands without the addition proposed by my noble Friend. But look to what these assumptions are, as stated in the Amendment, and see if they clash with the prohibition contained in the Bill. The terms of my noble Friend's Amendment are—

> "That the ecclesiastical name, style, designation, or title assumed, used by any such archbishop, bishop, or dean in the holy orders of the Roman Catholic Church, shall be the style or title of Roman Catholic archbishop, Roman Catholic bishop, or Roman Catholic dean, as the case may be, officiating or having episcopal functions within the diocese or district in which he is authorised to officiate, in respect to all persons and congregations of persons professing the Roman Catholic religion within the said diocese or district."

I agree with my noble Friend as to the great importance of the change of a monosyllable. There may be the greatest difference between "in" and "of." But this Amendment includes the Roman Catholic archbishops and bishops officiating within the diocese or district in which they are authorised to officiate, and with respect to all persons professing the Roman Catholic religion within the same diocese. This neither assumes a territorial power derived from the possession of a see, diocese, or district; nor does it assume any power over the inhabitants of that see, diocese, or district. It admits a power over certain Roman Catholic inhabitants of the diocese, but confines it to them alone, proclaiming that it is a spiritual jurisdiction only, and not claimed by virtue of any territorial power or authority. I think this Bill can be adapted with the greatest security to those persons who are described in the Amendment, which is drawn up in terms to which the Legislature has already given its sanction in the Charitable Trusts Bill. There is, therefore, no necessity for this Amendment. I have stated my opinion in the presence of some of the greatest legal authorities; but I shall be surprised if it is disputed. The ancient law is not altered by this Bill. The Roman Catholics are in no way prevented from doing that which it ought to be the object of the Legislature to encourage them in doing; and it affords them that protection which it is the object of the Legislature to afford to all religions, especially to one that is professed by so large a portion of Her Majesty's subjects. On these grounds, I think it my duty to oppose the addition to the Bill proposed by my noble Friend.

The EARL of ST. GERMANS thought the noble Marquess had made a conclusive speech in favour of the Amendment which had been moved by his noble Friend. It had been distinctly stated the other evening by a noble and learned Lord (Lord Cranworth), that after the passing of this Act, the assumption of the title of even Roman Catholic bishop in any district would expose the party assuming such title to a penalty, and that every act of jurisdiction performed by a Roman Catholic bishop would make him liable to a penalty. So that, unless the present Amendment was adopted, it would be impossible for any Roman Catholic bishop in Ireland to appoint priests, or collate to any benefice, or perform any other act of ecclesiastical jurisdiction. He claimed the support of the noble Marquess for the Amendment of his noble Friend, not only on the ground stated by the noble Marquess himself, that it was unobjectionable, but also on the ground that his noble Friend had only adopted words for the description of Roman Catholic bishops which the noble Marquess had used himself for that purpose. In the correspondence between the Committee of Privy Council on Education and the Hon. Mr. Langdale, in 1850, a letter written by the noble Marquess stated that, with regard to the appointment of the committees of management for Roman Catholic schools, a certain mode of selection should be practised, "until the Roman Catholic bishop of the district or other ecclesiastical division shall signify"—not in such district, he would beg their Lordships to remark. This, he apprehended, was a stronger recognition of the *status* of the Roman Catholic bishops on the part of the noble Marquess himself, than that contained in this Amendment, which copied exactly the words of the Charitable Bequests Act. Yet the language of that letter of the noble Marquess applied even to the vicars-apostolic in England, who were merely bishops *in partibus;* and how much more did it apply to the bishops of the ancient sees in Ireland, who had held their episcopal functions in unbroken succession? Their Lordships had often in Committees asked these bishops the question, how long they had been Roman Catholic bishops; and in 1847, when the present Lord Lieutenant went to Dublin Castle, he received an address from the Roman Catholic archbishops and bishops of Ireland, who signed themselves "John, Archbishop of Tuam," "John Derry, Bishop of Clonfert," &c.; and the Lord Lieutenant replied to that address in the most courteous terms, styling them "My Lords," and stating that he should always be glad to consult them on matters affecting the interests of Ireland. Before concluding, he could not help noticing an argument which had been urged more than once by the right rev. Bench, namely, that all the spiritual advantages which the Roman Catholics could desire had been enjoyed under the *régime* of vicars-apostolic, and that therefore there was no necessity for their having a territorial hierarchy in this country. Now, from the earliest times the practice of the Church was, that a bishop was invariably appointed to a particular portion of territory, which was called his see; and, strictly speaking, these bishops *in partibus* had a territorial title assigned to them, such as "Bishop of Chalcedon," whose portion of territory was the See of Chalcedon, and it was altogether an accident that they were vicars-apostolic. Again, it was quite undeniable that such a title as vicar-apostolic was never heard of in the early ages of the Church, the first vicar-apostolic ever appointed having been appointed in England in the seventeenth century, by Gregory XV. It was said the Pope had once refused to create a hierarchy in England; but that was because he wished to maintain a system which would leave his own power in this country unimpaired. Under that system the Pope was undoubtedly Roman Catholic Bishop of England, and he appointed his vicars-apostolic, who were removable at his will and pleasure; and the Pope, by the creation of the new hierarchy, had therefore clearly divested himself of a portion of his power. In his opinion the Amendment of his noble Friend would very materially lessen the apprehensions entertained as to the effect of this measure in Ireland. As the Bill stood at present, three eminent lawyers believed an indictment would lie, under the first clause, against any Roman Catholic bishop exercising episcopal jurisdiction; and therefore he trusted their Lordships would agree to the Amendment, in order to prevent such a result.

LORD CRANWORTH said, that the noble Earl had totally misconceived what he had stated the other evening. He had no doubt stated that if a person was prohibited from calling himself Archbishop of Westminster, he would not get out of the prohibition by calling himself Archbishop in Westminster; but he entertained no doubt whatever that there was nothing in this Act to prevent a person calling himself "Roman Catholic archbishop, or Roman Catholic bishop, or Roman Catholic dean, officiating, or having episcopal functions within the diocese or district in which he is authorised to officiate in respect to all persons and congregations of persons professing the Roman Catholic religion within the said diocese or district."

The BISHOP of OXFORD wished also to explain, after what the noble Earl (the Earl of St. Germans) had said regarding his having repeated a false argument. It was perfectly true that the doctrine of the primitive Church was that every bishop must have a diocese; but it was a peculiar doctrine of the Church of Rome that the Pope, in virtue of his universal bishopric, could appoint bishops *in partibus*, who could perform every function that a local bishop could do, although not in the place of which he bore the title. The noble Earl had himself fallen into an error in stating that the Roman Catholic bishops in Ireland were the lineal descendants of the ancient Christian bishops of Ireland. His right rev. Brother (the Bishop of Ossory) had on a former occasion refuted that assertion with great learning, and had shown that almost a century had intervened, during which the line of the so-called Roman Catholic bishops of Ireland had been altogether broken, and that it was the bishops of the United Church of England and Ireland who were the real lineal descendants of the ancient bishops of Ireland.

LORD MONTEAGLE, in reply, stated, that as the principle of his clause had been admitted rather than controverted, and as the objection raised against him was solely that the clause was unnecessary, and that the acts which he proposed to legalise were not prohibited under the Bill, he would not expose the public to the erroneous impression that would arise, if the clause he proposed were negatived. He would therefore ask leave to withdraw it; reserving to himself the power of proposing it, in another shape, at a more convenient time.

Amendment, by leave of the House, *withdrawn;* and

Bill *passed.*

PROTESTS

Against the Passing of the Ecclesiastical Titles Assumption Bill.

"DISSENTIENT.—1. Because, while ready to uphold and to defend the rights and prerogative of our Most Gracious Sovereign and the honour and the independence of our country against all aggression, we do not feel ourselves justified in supporting a Bill which trenches on that religious freedom which Her Majesty has been pleased to assure us 'it is Her desire and firm determination, under God's blessing, to maintain unimpaired;' which it has been the object of the Legislature, during the last 60 years, to extend and to secure; and which now happily forms a fundamental part of our constitution, and is inseparably bound up with our civil liberties.

"2. Because it is irreconcileable with the spirit and with the letter of the Roman Catholic Relief Act to impose new and to increase existing penalties, falling exclusively on the members of one religious communion; and our objection to this fatal course is augmented when it is announced that this Bill may lead to other measures of a similar character, in case the stringency of its provisions is not found sufficient to answer the purposes of its framers.

"3. Because we view with alarm the declaratory enactments of this Bill, undefined, as they are, in their legal consequences, rendering solemn antecedent acts and public instruments unlawful and void, and rendering unlawful and void likewise all the 'jurisdiction, authority, pre-eminence, or title,' derived from such acts and instruments.

"4. Because these alarms are increased from the want of any clear definition in this Bill fixing the incidence and the limits of its penalties, thus creating all the dangers which must ever attend vague and uncertain laws, exposing the Roman Catholic laity to wrong and privation, interfering with the jurisdiction and ecclesiastical functions of the Roman Catholic clergy, and leaving it a matter of grave doubt whether both parties may not be exposed to criminal prosecution as well as to civil penalty.

"5. Because it is irreconcileable with the wise policy of late years, shown in the repeal of barbarous penalties contained in ancient and intolerant laws, to revive and give robustness and energy to a severe penal statute, passed nearly 500 years back, enforced only once since its enactment, and that in the year 1607, in a case which we are informed is of doubtful authority.

"6. Because we cannot reconcile the Charitable Bequests Act, which recognises the *status* and existence of Roman Catholic archbishops and bishops and their successors, officiating and exercising episcopal functions in Ireland, with this Bill, which interferes directly with the appointment of such archbishops and bishops, and declares the official instruments and official acts required for such appointments, as well as 'all jurisdiction, authority, pre-eminence, or title,' derived therefrom, to be unlawful and void. Nor is this difficulty removed by the saving clause, which leaves it doubtful whether the 4th section may not defeat other portions of the Bill, or whether the general import of the Bill may not deprive that saving clause of its efficacy.

"Because it seems illogical, inexpedient, and unjust, when the Rescript or Letters Apostolical of the Pope, of the 29th of September, 1850, are relied on as the cause and justification of this Bill, that we should extend its restraints to a part of Her Majesty's dominions to which that Rescript has not any possible application.

"8. Because it has been admitted in debate, on high legal authority, that the penalties of this Bill are limited to what are described as being 'pretended sees,' while other sees or districts are subjected only to the less severe provisions of the 10th George IV., chap. 7. It therefore follows that a different state of law will exist in England and in Ireland, as well as in different parts of Ireland, producing anomalies and contradictions incompatible with sound legislation; the severity of the law and its penalties not varying acording to the nature of the imputed offence, but according to the geographical limits within which such imputed offence may have been committed.

"9. Because, if it should be true, as has been stated in debate by the supporters of this Bill, that if it becomes a law it cannot be carried into effect, but must remain 'a dead letter,' we consider that it is still more inconsistent with sound legislation to pass a Bill which, without giving any security whatever, tampers with all the principles of religious freedom, creates discontent and alarm, and by bringing the law into contempt lessens its force and rightful authority.

"10. Because a determined resistance has been offered to all suggestions made during the progress of the Bill for the correction even of obvious and verbal errors, as well as for the amendment of certain provisions of which no justification has been attempted; and because the reason assigned for taking this course, arising from the possible inconvenience and delay apprehended if this Bill were returned to the House of Commons, is inconsistent with the free deliberations of this House, and derogatory to its just rights and authority as a branch of the Legislature.

"11. Because, upon these grounds, we cannot but consider the passing of this Bill to be most inexpedient and most unjust. We consider it ill-adapted to protect either the prerogative of the Crown or the independence of our country, while calculated to revive civil strife and sectarian dissensions; we protest against it likewise as a departure from those high principles of religious liberty to which our greatest statesmen have devoted their intellect, their genius, and their noblest exertions.

"MONTEAGLE of Brandon.
"VAUX of Harrowden.
"LOVAT.
"CAMOYS.
"MONT EAGLE (M. of Sligo).
"ROSSIE (Kinnaird).
"FINGALL.
"CHARLEMONT.
"LEITRIM.
"PETRE.
"STOURTON.
"DORMER.
"ARUNDEL of Wardour."

"DISSENTIENT.—1. Because no such measure as the present is consistent either with justice or expediency.

"2. Because the Bill appears to have been mainly dictated by the excitement which has recently prevailed—an excitement which it was the duty of the Government and the Legislature rather to allay than to encourage. Any attempt to interfere with doctrines by Act of Parliament is not only likely to fail, but may even promote what it is intended to repress.

"3. Because it is most unreasonable and inconsistent to profess to grant full toleration to the Roman Catholic religion, and at the same time to prohibit that species of communication with the See of Rome which is indispensable for its perfect discipline and government.

"4. Because the undue assumption of power involved in the terms of the Papal Rescript of the 29th of September, 1850, and of other documents connected therewith, however justly open to exception, can supply no reason for depriving Her Majesty's Roman Catholic subjects of a regular and ordinary part of their ecclesiastical organization.

"5. Because the appointment of ecclesiastical officers is essentially a matter of religious concern; and although it may be expedient in particular cases that such appointment should be under the control or influence of the civil power—and although it is the undoubted duty of the Legislature to provide that no temporal powers are exercised and no temporal rights impaired, under the pretext of ecclesiastical regulations, yet to restrain a religious community not established by law in the management of its religious concerns, otherwise than by confining them within the sphere of religion, is inconsistent with the spirit of all our recent legislation. Such restraint involves the principle, and may lead to the practice, of religious persecution.

"6. Because the Act of the 10th George IV., chap. 7, which for the first time since the Reformation secured to the Roman Catholic subjects of the Crown an equality of political rights, constituted a solemn expression of the intention of the Legislature, and a pledge to the Roman Catholic community that they should thenceforward enjoy a full religious toleration.

"7. Because the 24th section of the 10th George IV., which prohibits all persons other than those thereunto authorised by law, from assuming the titles of archbishops, bishops, and deans of the National Church, affords no precedent for this Bill, inasmuch as the former simply defends from invasion certain known legal titles already appropriated, and importing high dignities and valuable rights; whereas the latter amounts to the total prohibition of a diocesan episcopate.

"8. Because the penal provisions of this Bill not only differ in the above-named respect from those of the 10th of George IV., but they differ further to the prejudice of our Roman Catholic fellow-subjects, inasmuch as they are preceded by recitals and declarations of law, concerning which the 10th George IV. was silent, whereby a new and extended construction may be given both to the penal provisions of this measure, and likewise retroactively to those of the 10th George IV.

"9. Because the ancient statutes against the exercise of a foreign jurisdiction, or restrictive of the importation of Bulls, Briefs, and Rescripts, which are cited in justification of the present Bill, are unavailable for such a purpose. Those statutes have long been suffered to remain in desuetude. If now revived, they may be found to assert powers for the Crown which would be destructive of the religious liberties secured to Protestant Dissenters as well as Roman Catholics. They have no special reference to the establishment of provinces or sees, or to the assumption of titles, but are equally and indifferently directed against all exercise of jurisdiction, whether by diocesan bishops or by vicars-apostolic, and are therefore incompatible with our recognised principles of toleration and religious freedom.

"10. Because there is a peculiarly harsh and ungracious character in the present prohibition of diocesan government of the Roman Catholic community; as it is not disputed that at various periods, from the Reformation down to a recent date, the secular clergy, and more especially the Roman Catholic laity, have sought for the introduction among themselves of a diocesan episcopacy, with the approval and encouragement of the British Government.

"11. Because there are presumptive grounds for believing that the late measures of the Pope have been adopted under the persuasion that, if he should do what in his judgment was requisite for the spiritual wants and interests of his own communion, the advisers of the Crown not only would have no desire, but had, in fact, publicly disclaimed all intention and all title to interfere.

"12. Because this Bill, while it professes to refer to Roman Catholic titles, enacts a further and wholly gratuitous interference with religious freedom, by forbidding the assumption of episcopal titles on the part of any other persons than the prelates of the Established Church and the prelates of the Scottish Episcopal Communion. By the exception from its provisions of the last-named prelates, who are appointed independently of the Royal authority, the Bill plainly admits that the appointment of bishops is in its essence a spiritual matter, and thereby condemns its own principal provisions.

"13. Because it is inexpedient to protect the rights of the episcopate established by law, by needless and unjust restraints upon the religious freedom of others. Such protection is likely to weaken rather than to strengthen the National Church in its proper office of maintaining and enlarging its influence over the people by moral and spiritual means.

"14. Because the Bill, besides being unjust in principle, greatly endangers the peace and harmony of the various classes of Her Majesty's subjects in the United Kingdom, and especially in Ireland. Should the measure be carried into actual operation, it may engender the most serious political and social evils; while, if it should not be put in force against the use of the titles openly assumed, its introduction into the Statute-book will have tended to disparage the dignity of Parliament and the authority of the law.

"Gordon (Aberdeen).
"Newcastle.
"Canning.
"St. Germans.
"Wharncliffe.
"Lyttelton.
"Monteagle (of Brandon)."

For all but the 4th and 13th reasons.
"Vaux of Harrowden.
"Petre.
"Stuart de Decies.
"Leeds."

CHARITABLE TRUSTS BILL.

House in Committee (according to order).

Clauses 1 to 19 inclusive, *agreed to.*

On Clause 20,

The Duke of CLEVELAND moved that the three Royal London hospitals should be exempted from the operation of the Bill. He was, he said, connected with only one of those hospitals—Christ Church—the pecuniary affairs of which were managed with the strictest propriety, and no abuse had ever been alleged against it. If the hospitals should be placed under the commission established by this Bill, persons would not be anxious to become governors, and the interests of the charity would thereby suffer. The noble Duke eulogised the system of education at Christ's Hospital, and instanced the recent case of a boy educated there who had taken high honours at Cambridge, and was now Regius Professor of Civil Law at that University, Mr. Sumner Mayne.

After a few words from the Earl of Warwick, which were inaudible in the gallery,

The LORD CHANCELLOR said, that the noble Duke had quite mistaken the operation of the Bill. There would not be the slightest interference with the details of the management of these institutions. There were many other charities which had desired to be exempted from the operation of the Bill, and he did not see on what grounds they could exempt one without granting a similar exemption to others. There was no interference proposed by the Bill that any person could reasonably object to.

After a few words from the Earl of Chichester and the Marquess of Salisbury,

Amendment *Negatived.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Tuesday, July 29, 1851.

Minutes.] Public Bills.—1° Ballot.
3° Medical Charities (Ireland).

CASE OF ANN HICKS.

Mr. BERNAL OSBORNE wished to ask the noble Lord the First Commissioner of Woods and Forests, whether Ann Hicks held a house in Hyde Park by the gift of George II., or by what tenure she occupied the house from which she had been evicted; and also whether the noble Lord had permitted any other house to be erected in the Park?

LORD SEYMOUR said, that in answer to the first question of the hon. Gentleman, he had to state, that Ann Hicks did not hold any house by the gift of George II., or of any other Royal personage at all. The first time he (Lord Seymour) ever heard of her claim to a house as the gift of any Royal personage was a few weeks ago. In 1843, Ann Hicks, like several other persons, had a little stall where she sold apples and gingerbread in the park. Previous to that she had occupied one of the old conduits there. She subsequently wrote to the Commissioners of Woods and Forests, and requested leave to build a place to lock up her ginger-beer bottles in; and, after some correspondence with the Commissioners, they told her she might have a wooden stand, the same as some persons had near where the cows are kept in St. James's Park. Shortly afterwards she wrote to the Commissioners again, saying she was very much obliged by their reply, but that she should like to build her stall of brick instead of wood, as a wooden one was insecure, and liable to be broken open; but in all those applications she never made any allusion to any Royal gift, but always rested her claim on her having fifteen children to support. After some time the Commissioners allowed her to make her stand of brick instead of wood. Having got that leave, she wrote to the Commissioners, and said that her stand was not quite large enough, and she wished to make it larger, as she had so many ginger-beer bottles she did not know where to put them. The Commissioners gave way to her, and said she might make her stand five feet high, but no higher. She then wrote again in the following year, and said that she was very much obliged for the little hut she had got, and that it was a great accommodation to her, and that she had not the least wish to make a residence of it; but that if the Commissioners would allow her to have a little fireplace in it, it would be of great use to her to make a cup of tea. The Commissioners resisted that, and told her they could not allow her to have a fireplace; that her hut was a place merely allowed her to put by her bottles in, and that she must not use it as a residence. She again wrote to the Commissioners, saying that the roof of her shed wanted repair, that the rain came in, and might she be allowed to repair it and keep the rain out? The Board told her she might repair it so as to keep the rain out, but that she must make no alteration in it. However, shortly afterwards the Commisioners found that the hut had a roof and a chimney. When he (Lord Seymour) came into office, in 1850, the hut not only had got a roof and chimney, but there was a little garden to it, with hurdles round. Ann Hicks said, the hurdles were put up because it was so disagreeable to have people looking in at her window. His attention was called to the matter from the frequent disputes between the authorities of the park and Ann Hicks. The hurdles were continually advancing and encroaching on the park. She was told to put them back; but she made so much noise and abuse about it, that none of the park authorities cared to meddle with her. They all gave him very bad accounts of her. He also asked a gentleman who was connected with the management of the park, though not with his (Lord Seymour's) department, and he gave him an account equally unfavourable of Ann Hicks. Upon that he thought it time that some proceedings should be taken against her, because it was quite unusual to allow any residence in the park. The law was decidedly against it; and he was also told that if they sanctioned this for a few years, there would be great difficulty, eventually, in removing her. Before he took any step, however, he wrote to the Duke of Wellington, as ranger of the park; and his Grace, with that consideration which he gave to the minutest details, wrote him word that he was coming to town and would inquire into the whole case. Accordingly, when his Grace came to town, he wrote to him (Lord Seymour), and said he ought to apply for legal advice, and remove Ann Hicks from the park at once. He then referred all the correspondence to the solicitors of the office, and Ann Hicks was served with a notice to remove; but he told her, that if she would go from the park and not give them any trouble, he would take care that some allowance should be made to her. But she would not go; she said it was her ground, and that nothing could remove her. He then gave directions that proceedings should be taken to remove her, and she would not move until those proceedings were actually taken. She then wrote again to the Commissioners, and said that she owed a small debt of 6*l.* or 7*l.* for the repairs of her cottage, but she said nothing of a Royal gift. He thereupon told her that if she went, she should have 5*s.* a week for the next year, and that would secure her a house in lieu of the one to which she had no legal right. He also gave her some money at once to pay for the repairs; but a builder afterwards called upon him and said that she owed him his debt for the repairs of the cottage still. In fact, instead of paying the debt with the money he (Lord Seymour) had given her, she spent it in getting some placards printed and placing them about the park, charging the Commissioners of Woods and Forests with hardship and oppression towards her. As to any other cottage being erected in the park, the only one he was aware of was the cottage proposed to be built by Prince Albert as a model cottage. When it was built, he, (Lord Seymour) said it could not be allowed to remain, and his Royal Highness promised that it should be taken down next November.

Lord DUDLEY STUART: Will the noble Lord state how many years this cottage of Anne Hicks was built?

Lord SEYMOUR: In 1843 she commenced building her place of brick instead of wood.

Mr. WAKLEY: Would she have been ejected if the Crystal Palace had not been erected?

Lord SEYMOUR: Her ejection had nothing whatever to do with the erection of the Crystal Palace.

Subject dropped.

METROPOLITAN SEWERS BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. WAKLEY said, he should move that the House resolve itself into a Committee on this Bill, on that day three months. He much regretted that such a Bill should have been introduced at so late a period of the Session. The object of this Bill was to continue the present Commission, and to give the Chairman a salary of 1,000*l.* a year. There were several other subjects, such as the supply of water and the question of interments, which with that now before them were branches of one great question, and should all be dealt with together upon some comprehensive plan; but he was sorry to see that Her Majesty's Government did not at present show any intention to do so. The business of this Commission was conducted in the loosest manner, and he thought it was not right that the ratepayers of the metropolis should be taxed to the extent they were by an irresponsible body like this Commission. They had much better appoint one responsible and well-paid party as the head of the Commission, and do away with such a mongrel body as the present board. During the last year the Commission had received 77,000*l.* from rates, and 13,000*l.* from contributions; the total payments, however, during the year, were 94,500*l.*, and the total charge was 125,900*l.* The charge for management was 23,463*l.*; and observe that this enormous charge came out of the pockets of the metropolitan ratepayers, who were complaining of this Commission as a greater nuisance than even the sewers themselves. Under these circumstances, it would not be very pleasant to them to see that the Chairman of the Commission was to receive this salary. He hoped that the noble Lord at the head of the Government would see the propriety of merely prolonging, with alteration, the powers of the Commissioners, until some new arrangement could be made with regard to all the branches of this important question. The gentleman (Mr. Frank Forster) who conducted the general engineering business of the Commission received 1,500*l.* a year. Now, if he was a competent person, why not make him the only Commissioner, and they would then obtain a concentration of responsibility?

Mr. W. WILLIAMS seconded the Amendment. He considered the measures which the Goverment had introduced with respect to the metropolis as gross jobs, which had met with the general disapprobation of the inhabitants of the metropolis.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will upon this day three months resolve itself into the said Committee," instead thereof.

The CHANCELLOR of the EXCHEQUER said, that he did not think that either of the two Gentlemen who had addressed the House had shown any good reasons for rejecting the Motion before them. The Bill had not been introduced at an earlier period of the Session, on account of the investigations which had been going on before a Select Committee with respect to the supply of water to the metropolis, for as it was evident that this was intimately connected with the sewer question, it was thought inexpedient to bring in any measure which might have been rendered unnecessary, or have been superseded by the Report of that Committee. As, however, that Committee had not been able to make any Report during the Session, it was necessary to pass the present Bill, which merely proposed to continue the present Commission, with some alterations introduced to make it a more working Commission, and to secure the regular attendance of one person. It was not proposed as a permanent measure, but as a means of bridging over this year, and of waiting for the Report of the Committee which he had mentioned, and which might lead to quite a different arrangement. But while it was inexpedient to bring on a permanent measure without being in possession of the information which would be derived from the Report of that Committee, it would be impossible to let this body drop during the present year, as there were works and arrangements in progress which must be carried out.

Mr. BERNAL OSBORNE said, that the argument of the right hon. Chancellor of the Exchequer would have been a very good one, if applied to the Commission as it now existed; but this was a new Bill altogether. The right hon. Gentleman proposed to appoint a Commissioner with a salary of 1,000*l.* a year, and to reduce the quorum from six to two. He considered such a proposition a perfect farce: who ever heard of such a quorum?—there was not a single public body doing business with such a quorum. As to the present Commissioners, it was utterly impossible they could attend to the duties of the Board; for all of them, except perhaps his noble Friend the Member for Plymouth (Viscount Ebrington) had various other duties to perform; the consequence of which was, that the proceedings of the Board were continually adjourned. The Government ought not to do this themselves; it was their duty to give to this great town municipalities of its own, and let them govern their own matters. He objected to bridging over the next year at an expense of 1,000*l.* a year, for the Commission had already cost the country sufficient. They had in the last year levied a rate of 33,000*l.*, and he believed that all of it but 6,000*l.* was expended. Rather than proceed with this new Bill, he would prefer continuing under the old system.

Lord DUDLEY STUART wished to ask the noble Lord (Viscount Ebrington) what was the original estimate of the Victoria sewer, what was the contract price, and what was the actual cost? He decidedly objected to this Bill, nor did he think that it was creditable to the Government to act as they had with respect to it, bringing it in on the 25th July, and then telling the House that they must pass it because some Bill was necessary. He believed that it was quite an after-thought to say that there was any intention to deal with this and the water question, and that of interments in one measure. He would not, however, even by the inducement thus held out by the right hon. Chancellor of the Exchequer, be led to pass this Bill, which would give 1,000*l.* a year to some officical personage, and give the Commissioners the power of acting with such a quorum as he had never before heard of. He would support the Amendment, and he trusted the House would prevent the Government from passing the Bill.

Viscount EBRINGTON said: In rising on this late but first and only opportunity yet afforded me of answering the calumnies —for by no other name will I describe the speech of the hon. Member for Lambeth— the calumnies and misrepresentations so sedulously circulated both in this House and out of this House against my Colleagues of the Commission of Sewers and myself, I feel that I am placed under very heavy disadvantages. My own natural incapacity for public speaking, aggravated by the habitual silence imposed on me for several years by my late office; the absence of my distinguished Colleagues the Members for Whitehaven and Norwich, whose high reputation and practical skill in the planning and execution of great works are known to every one except to the Members for Marylebone and Lewes; and, above all, the peculiar nature of the subject under consideration, which, while it deals with much that is disagreeable and repulsive, requires much study and attention before it can be comprehended: these obvious disadvantages, together with the unfavourable period of the Session we have arrived at, would almost make me despair of your attention; but for my confident reliance, I will not say so much on the indulgence of the House, though I know I much need that, as on that spirit of justice and love of fair play, and that readiness to give a full hearing to any one who has been attacked, when speaking in vindication of himself and his Colleagues, which have always honourably characterised this House. In order to place the whole case more clearly before you, perhaps I may be allowed very shortly to recall to the recollection of the House the condition in which Her Majesty's Government found the administration of the sewers of the Metropolis, when they issued the first Consolidated Commission in 1847, and a short recapitulation of what those two Consolidated Commissions performed, before I come to the acts of my Colleagues on the present Commission and my own.

The existence of Commissioners of Sewers is of very considerable antiquity; but with those times we have nothing now to do, further than to remember that the law under which the former separate Commissions acted, was the general statute on Sewers of Henry VIII., together with certain separate local Acts, most of them of recent date, and all containing different, if not conflicting, provisions. The total number of Commissioners having jurisdiction over the seven districts into which the natural drainage area of the metropolis was arbitrarily divided, had long amounted to between 500 and 1,000. The whole of these Commissioners were by law nominated by the Lord Chancellor, and nothing was less attended to in their appointment than their qualifications or fitness for the office. The members of the various Commissions consisted of a few persons of the highest eminence, such as the Duke of Wellington, the Lord Chief Justice, and others of that class, who, of course, never attended at all—indeed, some of them learnt, for the first time, the office they had for years been filling, on receiving their writ of supersedeas in 1847; of a number of less eminent persons, who attended very seldom; and, lastly, of a small, and in some instances by no means disinterested, body of persons, who, in fact, transacted the business of the Commission, though latterly checked, to a certain extent, in the instance of the Westminster Commission, by the public-spirited opposition and interference especially of Mr. Byng and Mr. Leslie. The Holborn and Finsbury Commissioners were wisely in the habit of acting on the suggestions of their able and valuable officer, Mr. Roe; but as to the demoralised system of management of the Westminster Commission—and that may serve in most particulars as a sample of others—I need say no more than that, on most conclusive evidence, Mr. Leslie's allegations were established (I quote from the Report of the Metropolitan Sanitary Commission), as to the practical self-nomination of the Court; as to the surveyors being paid by a commission upon the cost of their works; as to a series of suspicious circumstances on each occasion of obtaining contracts; as to the increase allowed to parties after they had obtained contracts: while as to the engineering skill, it was proved that works in opposition to the known principles of engineering and hydraulics, and sewers of a form at once most expensive, and ill calculated either for durability or efficiency, were ordered, in spite of the remonstrances of the surveyor; that there were no complete maps, levels, or plans of the district, and that what few existed were so bad as to mislead rather than assist those who sought information. I need say no more of the other districts, which seem generally to have been rather worse than better managed as separate concerns, than to observe that there was no uniformity of practice and little concert among them for combined works, though the natural lines of outfall often led from one to another; and that in the Surrey and Kent division, comprising a rental of more than one and a half millions, works were on the point of being executed by the Commissioners at the time they were superseded, to the extent of more than 100,000*l.*, and others still larger were contemplated, most expensive as well as inefficient and objectionable in their character. In consequence of the want of combined action, and of the complete absence of trustworthy information, examples most ludicrous, if they had not been disastrous and expensive in their consequences, occurred of sewers running up hill, or parallel to each other; of their missing each other when intended to join, and crossing each other when never expected; but the most serious instance is that given by Mr. Roe, of a quarter of a million wasted in the construction of large works on a radically wrong basis. Not to speak of the larger works of sewerage, or rather elongated cesspools of that description upon which not tens but hundreds of thousands had been wasted, I may mention that the ordinary drains for houses communicating with the street sewers cost more than four times as much on an average as our's now do, and that the expense of other operations on the new system, when compared with those under the old, is in much the same proportion. And, lastly, I must add that for such corrupt and inefficient and uncombined management, the general average of cost to the ratepayers was, during 1847, at the rate of more than 7*s.* per cent per annum on the rateable annual value of the seven districts, while, notwithstanding the disadvantage of having to procure much information which ought to have been bequeathed to us by our predecessors, the charge for management under the new Consolidated Commission was, during 1849, actually below *5s.* per cent on the rateable annual value of the district under their active jurisdiction; and has not since at all materially increased.

When in the autumn of 1847, as is well known, the whole of these former Commissioners were superseded, the new Commissions for the seven districts were all addressed to the same body of gentlemen, who formed practically one consolidated Commission for the management of the sewers of the metropolis. They continued thus, by an evasion, to manage the business as one concern, till Parliament, by the Metropolitan Sewers Act of 1848 placed the whole metropolis, with a certain extent of suburban district, under the jurisdiction of one body of Commissioners; and the Crown, with some few exceptions, reappointed the original body as Commissioners, to work out the provisions of the new Act. On account of its unmanageable numbers, and for other reasons which I need not now enter upon, that body was superseded in October, 1849, of the following year, when the present Commission was appointed. As I, however, was a member of both these Commissions, and as much abuse has been most unfairly levelled against them, I hope the House will allow me to recapitulate a few of our principal labours. And I will do so, not in the words of my noble Friend, Lord Carlisle's Charge to the Westminster Jury, nor in those of any official or Government authority, lest the account should be tainted with partiality, but in those of a bitter assailant of the Government—a writer in the *Westminster Review*, who concludes a most hostile article on the Ministerial proceedings of the Session of 1849, with a short review of what had been done with regard to the sewers of the metropolis :—

"The Metropolitan Sewers Act was passed, with the object of consolidating the metropolitan areas under one management, and for giving extended powers of draining and sewering the whole. The gigantic cesspool system, which had so long numbered its thousands and tens of thousands of victims, was to be grappled with, and, if possible, put an end to. The main sewerage was to be remodelled every where, and introduced for the first time in many parts. The river was to be purified, and some other outlet provided for the liquid refuse of 2,000,000 of human beings, and several hundreds of thousands of horses and cattle.

"The universal abolition of cesspools was a totally new proposal. No such measure had ever been realised in the history of the civilized world. It required that there should be introduced for the first time, into the wretched tenements of the poor, conveniences and luxuries that have always been the monopoly of the rich, and which are associated in the public mind with affluence and expense.

"To effect this object, it would not serve to give the order to the builders and plumbers, whose business it is to supply first-class houses with water-closets and drain pipes, to enlarge their business fifty-fold, and go forth to every court and alley, and erect their fittings in every domicile. The consequent bills, in their aggregate of millions of money, could never be discharged by the population that had entailed them. If there were no other alternative, London must be a city of cesspools until it became at least a city where every man paid Peel's income tax.

"To reduce the cost of the water-closet apparatus so low, that every householder in London could afford to pay it, was therefore, one of the duties of the new Commission. This task had to be accomplished partly by the utmost economy in the apparatus itself, partly by distributing the cost of it over a series of years in the form of an improvement rate. The preparation and collection of this new species of rate formed one very heavy item in the duties of the Commission. A number of other matters, many of them full of difficulty, had to be undertaken as indispensable conditions to the grand desideratum of purifying the dwellings of the metropolis, and the water of the Thames. The procuring of a proper supply of water is only one of several of those preliminary conditions.

"On the matter of rectifying the main sewerage and obtaining a proper outfall, it was obvious, that a perfect survey must first be obtained. This was commenced in the beginning of last year; and from the enormous extent of ground to be gone over is not yet completed.

"In connexion with the purification of the Thames, extensive inquiries and experiments had to be undertaken as to the means of disposing of the sewage in the agricultural lands of the suburbs. Although the value of this sewage as manure has been proved beyond dispute, it has never yet been applied on a great scale; and the difficulty of the application in the case of the metropolis, probably surpasses what would have to be encountered in any other place whatsoever. Any person who has followed the actual proceedings of the Commission, instead of merely listening to the personal altercations that gave newspaper value to its debates, will find that it was fully aware of the extent of the operations devolved upon it. The survey was prosecuted with the utmost speed that the Ordnance could be stimulated to sustain. The means of economical house drainage were carefully considered and brought to maturity. The question of substituting impermeable earthenware pipes for expensive brick sewers was reduced to practice. The value of the sewage manure and the practicability of disposing of it on the suburban lands were made the subjects of direct experiments with clear practical results: and in the meantime the Commission were taking the most active steps that lay in their power for mitigating the evils of the existing state of the drainage, while preparing for its total renovation. No promise was given of an immediate remedy of all that was matter of complaint, but works were commenced, and actively pressed forward to secure this after a reasonable interval of time.

"The first practical difficulty that clogged its operations is now pretty well known to have been the existence of a small minority of two or three Commisssioners, who differed from the great body in the point of working by committees; it being scarcely disguised that the exclusion of the dissentients from the Works Committee was the cause of the stand taken by them in the principle. This minority acquired more and more of the character of a standing opposition, whose business it became to scrutinize with hostile fervour all the current proceedings of the body.

"A memorial abruptly produced at one of the meetings of the Committee, by the chief surveyor, containing a fierce onslaught on the policy of his masters, and propounding a great subterranean tunnel scheme for the removal of the entire drainage of the metropolis, was the occasion that brought the Commission under the special lash of the *Times*. This organ had made up its mind on the proper mode of draining the metropolis, and was not to be gainsaid by mortal man. * * *

"To the antipathy of the "Thunderer" was joined the factious opposition of the parochial bodies, which showed itself in many ways. The internal opposition was led by the representatives of vestries; without, there arose a perpetual shower of calumny at the meetings of parochial boards. The Commission was held liable at all hands for every nuisance in the metropolis; the popular mind was studiously imbued with the notion that it was since this Commission came into existence that the gullies began to smell, and the open ditches to exist. Boards of Guardians, when applied to to take steps for the temporary abatement of nuisances during the height of the cholera epidemic, threw off their responsibility and laid it on the Commission of sewers."

I have given this passage thus at length, because it lays down very clearly what I have always considered to be the real end and business of the Commission. There may be differences of opinion as to the order in which these several indispensable requisites for the economical providing of efficient sanitary arrangements for the metropolis should be dealt with; and as to the extent to which the requisite operations for the water supply, sewerage, and house-drainage, street cleansing, and disposal of sewage manure, may be advantageously undertaken by one body; as to how much of them should be discharged by public bodies, as a public trust, and how much of them made over to traders as a commercial speculation; but one thing is clear, all must be efficiently conducted before the sanitary condition of the metropolis can be pronounced to have been placed on a satisfactory or economical footing.

Viscount Ebrington

In October, 1849, as I have already said, the present Commission was appointed; and as it is that Commission's acts which I have this day to defend, I must again entreat the indulgence of the House, while I shortly state the difficulties we have had to contend with, recount some of the things we have done and are doing, and reply to as many as I can remember of the multifarious and often contradictory charges that have been brought against us here, and elsewhere If I am asked, whether I consider that the inhabitants of London have had all that was requisite and feasible done for them; if I am asked whether the Commission have satisfactorily discharged all the functions which are theoretically entrusted to them by law, and have done all the work which they are presumed to have the power to do: I answer at once in the negative. The Commissioners are most painfully conscious how far what they have done falls short of what is required for the health of the metropolis. It is impossible that a body so constituted, under such an Act of Parliament, an Act of 146 clauses—encumbered with such an absurd machinery, and fettered by such perplexing technicalities—should discharge at its intermittent meetings such vast and important functions with satisfaction to themselves or the public. The fault, however, rests not with them, but with the system under which they are working. When I compare what we have done, with what ought to have been done, I am grievously disappointed. When I compare what we have done, with what, circumstanced as we were, we might have been expected to have done, I am astonished at our having effected so much. When I reluctantly accepted the thankless office, at the request of my truly zealous and excellent Friend Lord Carlisle I warned him that the Commission, under such a system, must prove a failure. And I can answer for it, that nothing but the public spirit, good feeling, and industry of the Commissioners and their officers, could have enabled me to lay before the House the results to which I will shortly call your attention.

When the present Commissioners entered upon their duties, they found the business of the Commission disorganised by the quarrels of the officers, fomented, if not originally caused, by the contentions already described among the former Commissioners their masters. We began by restoring order. We found in the office above 200 plans for the drainage of the metropolis, which had been imprudently invited by our predecessors: every one of these was carefully analysed, and separately considered. Not one of them, however — though many of them displayed much ability—was found to be practically available; and for this obvious reason, that the surface survey and the subterranean survey, which were indispensable preliminaries to the preparation of any efficient plan of drainage, were not sufficiently advanced at the time when that premature invitation was issued, to enable any one to frame a proper plan of operation. The present Commissioners, however, pressed forward the subterranean survey commenced by their predecessors; and it may now be pronounced complete, with the exception of correcting levels, and finishing some small branch sewers. A total extent of 760 miles of underground sewerage has been surveyed, besides some 4,500 acres, or two square miles, for house drainage. The survey for the new arterial drainage, extending to six miles, has been accompanied with plans for the sewers made on a large scale; the Ordnance survey on the twelve-inch scale only requires four sheets out of the 44 entirely to complete the mapping of the area embraced by the Commission; while of the block plan, of five feet to the square mile, 380 out of the 450 sheets required to complete it have been finished. These plans and surveys will be completed in less than half the time, and one-third the cost, at which the work was calculated by the Ordnance, in the original estimate they sent in to Sir Robert Peel; and both of them are now on sale to the public at the same low rate of price as the maps and plans of the Ordnance are. I need not tell any Gentleman conversant with matters of this kind, how indispensable it is to other works, besides those of drainage and of water supply, that accurate maps, plans, and levels, should be easily accessible.

Meanwhile the Commissioners were not idle, as they were represented to have been. Though they would not be driven by any popular clamour into undertaking works on insufficient data, before they were satisfied as to the line of drainage which ought to be adopted, they executed or superintended the execution of 34 miles of sewers, which they knew would fall in with any plan that might be ultimately adopted for the drainage of the metropolis; and they also went into the subject of contracts, which involved the consideration of 15,000 items in the price list, requiring 150 drawings for their illustration. Though each court requires the attendance of half the total number of Commissioners, we have held every month upon an average two courts, instead of one (which is all that was required by law), besides six committees of the whole body (not required by law at all), not to mention meetings of the Finance Committee, or other meetings for particular business. Nearly 2,000 orders of court have now been made by us since our appointment; and it is to be remembered, that at the courts only the formal announcements are pronounced of decisions at which the Commissioners have arrived after previous consideration in committee. The mere record of the business transacted at a court sometimes occupies 90 or 100 pages; and the manuscript minutes of one single committee frequently extend to a similar number. To say nothing of the time bestowed by myself, Mr. Lawes, Mr. Hawes, Captain Dawson, or others upon the business of the Commission, I remember on one occasion Mr. Stephenson sat up at work for us throughout the whole of the night. The result is, that some 13,000 complaints, and some 4,000 applications for private drainage, have been attended to; and that above 20,000 letters have been officially registered as received and sent, exclusive of a mass of correspondence between different branches of the office.

I ought to have mentioned that the Commissioners, as soon as the surface and subterranean surveys were sufficiently advanced, directed their engineer to prepare a general plan for the arterial drainage of the metropolis, and had many and anxious deliberations on that most important subject. In August last the general scheme for the drainage of the south side of the Thames was formally announced, and in the following January the scheme for draining the north side of the Thames. As the latter involved dealing with the drainage of the City, it was requisite to submit it to the Commissioners for the City, who, I am happy to say, fully concurred with us, and have indeed co-operated with us throughout in the most friendly and harmonious manner. It was not until the general plan was settled that the Commissioners were enabled to proceed with full vigour; but the Secretary's report laid on the table of the House at the commencement of the Session, showed that up to the close of 1850 the present

Commissioners had constructed upwards of 85,000 feet of pipe sewer, and more than 30,000 of brick sewer, at a cost of about 85,000*l*., besides planning and superintending the execution of private works to the amount of upwards of 40,000*l*. more. We have since completed more than 55,000 feet of pipe sewers, and more than 15,000 feet of brick sewers, at a cost of about 42,000*l*., and have superintended private works to the amount of more than 33,000*l*. besides. The total cost of the works planned and executed under the present Commission, to the 26th of this month, is about 200,000*l*. When it is remembered that the present Commissioners, as has been shown by accounts and estimates found in the office, execute their works at less than half the cost for which similar works used to be executed by the former separate commissions; and that the engineering staff costs altogether about 19,000*l*. a year, some 6,000*l*. of which is expended in the preparation of the surveys; I do not think, that if this were all, the Commissioners could be justly charged with extravagance in that department. But there are, in addition, works fully planned with drawings and specifications quite ready for execution, some now actually in progress, some ordered to be proceeded with, and others, for reasons I will presently mention, though ready, suspended for the present, to the amount of 150,000*l*. more. So that works have been superintended and executed by the Commissioners, or are planned and ready for execution, during the year and nine months we have been in office, to the amount of 350,000*l*.; while the detailed drawings and specifications for the general arterial schemes of drainage to the north and south of the Thames, that is, of works of an estimated cost of some 2,000,000*l*. are in an advanced state of preparation, and expected to be completed in the course of a few months.

I think after this statement I may claim for the Commissioners and their officers the credit of not having wholly neglected the duties intrusted to them. No one has yet dared to make any attack upon the survey, or on the plans for the arterial drainage of London which the Commissioners considered themselves more especially appointed to prepare and to execute; but the parochial gentlemen and their representatives, who have been so clamorous against the Commissioners, have uniformly confined themselves to attacks upon the smaller works, or to questions about official appointments. Nay, such absurdities has malignity suggested, a doubt was actually cast upon the identity of a man who had been personally known for many years to more than half the Commissioners who appointed him, and the public was seriously told that Mr. Forster was not himself, but somebody else. One of the chief attacks has been directed against the Victoria-street sewer. I have, however, the high authority of my friend, Mr. Stephenson, who personally inspected every inch of that sewer, as well as of Sir J. Burgoyne, Mr. Peto, and several other gentlemen well acquainted with such matters, for stating that, considering the great difficulties involved in the completion of such a work, it was not discreditable, but the reverse, to the officers of the Commission. The nature of the ground through which both parts of the sewer had to be taken, some of it hollow and treacherous from the remains of old arches and former buildings, now buried beneath the surface—some of it rendered dangerous and difficult by subterranean quicksands and morass—would sufficiently account to any person practically acquainted with such works—though not perhaps to such critics as the vestries of Marylebone, or St. George's, and their representatives—for the extra time and money expended beyond the estimates on its construction. As the noble Lord at the head of the Woods and Forests thought proper, the other day, without giving me any notice, to read a report with regard to the lower part of this sewer, implying some reflections on the Commissioners and their officers, it is right that the House should understand the position in which the Commissioners have been placed with regard to its construction. The Commission has not been thwarted at all in the first contract west of Westminster Abbey, for this part of the sewer lying through private property, they had full power over it; but in that part of the sewer which lay between Westminster Abbey and the temporary outlet in the Thames, and which passes through Crown property, we have been much thwarted, and many obstacles have been put in our way. Though by the law of sewers the Commissioners have full power of passing through any private property, on making compensation for damage, there is a special exemption with regard to land in the occupation of the Sovereign. A question was raised whether Crown property would be considered land in the occupation of the Sovereign, and the Commissioners, ever averse to litigation, wished to settle the matter by amicable negotiation with the Woods and Forests: the Woods and Forests, however, objected to the proposals of the Commissioners, and required them successively to abandon two lines which they had suggested for the temporary outlet of the sewer; the one in front of Richmond Terrace, which did not involve passing under any buildings at all; the next, through Whitehall Place, which would only have touched a single stable and cartshed; and they ultimately compelled the Commissioners, under very stringent conditions, to adopt the present line against their better judgment, and to tunnel under the very buildings, the damage to which, though much to be regretted, has been so absurdly exaggerated. The following letter sufficiently speaks for itself; I will not allow myself to add one word of comment to it, further than to say that none can more sincerely regret than do my Colleagues and I, that we should have been obliged by the Woods and Forests to put the occupants of the houses in question to so much inconvenience:—

(Copy.)

"Office of Woods, &c., June 15, 1850.

"Sir—I have, on behalf of the Commissioners of Her Majesty's Woods, &c., to acquaint you that they have had under consideration the subject of the proposed Main Sewer extending from Parliament-street to a temporary outfall at Scotland Yard Wharf, and in respect of which the Board requested (through Captain Vetch) that no proceedings might be taken in the matter until the working plans and sections had been laid before it, in consequence of the proposed Sewer running principally through Crown lands, and under Government buildings.

"Captain Vetch having submitted and explained the working plans and sections of the proposed Sewer to the Commissioners of Woods, &c., I am instructed to say that, as forming part of a general measure for the improvement and drainage of the Westminster district, this Board will not raise any obstacle to the execution of the work provided the following requirements be agreed to:—

"1. The Board, in permitting the sewage to pass through the Crown lands, cannot consent to its being discharged into the Thames, so immediately near to Whitehall Place as, according to these plans, it is proposed to be; but they must require that the line be prolonged in its proposed direction to a point near to the outfall of the Northumberland-street Sewer.

"2. That the Sewer be inserted by driftways, and not by open cuttings, at the following sites, viz.:—The south-east corner of Mr. Alderman Thompson's house; through Lord Liverpool's garden, taking care not to injure the trees; under the offices of the Exchequer; and through the gardens of Gwydyr House, and the residence of the Duke of Buccleuch.

"3. That during the work a passage be left open to the door of Lord Liverpool's house, in Middle Scotland Yard.

"4. That the Sewer be made quite impervious to the admission or escape of water in its course, except by gully-holes and street or house drains.

"5. That all the drains and sewers intersected by the new Sewer be carefully connected with it, and that all cesspools and house drains near its course be received into the same.

"6. That the Sewer shall be commenced at the River end, and that, proceeding towards Parliament-street, it shall not pass through Whitehall Gardens until after the rising of Parliament.

"7. That the Commissioners of Woods, &c., and their tenants, notwithstanding the permission granted to pass through the property, shall be entitled, as the Sewer Act provides, to compensation for any loss, damage, or injury which the property of Her Majesty may sustain by the formation of this Sewer.

"8. That the Commissioners of Sewers shall provide all the necessary shoring, supports, or other works that may be required for upholding the buildings and fences above and near to the Sewer, and that all such works shall be done under the supervision, and to the satisfaction of the architect of the Commissioners of Woods, &c.

"The Commissioners of Woods, &c., consider the above requirements necessary for the protection of the interests of the Crown and the amenity of its tenants; but, these being complied with, the Board, as I have already stated, will not throw any impediment in the way of works deemed necessary by the Commissioners of Sewers for the improvement of the drainage of Westminster.—I am, &c. (Signed) "A. MILNE.

"The Secretary to the Metropolitan
Commissioners of Sewers, 1, Greek-
street, Soho."

As a question has been raised as to the estimate of the second contract for the Victoria-street sewer, I will give the House what information I possess on the subject. The estimate was 8,272*l.*; the contract price was 7,700*l.* The actual cost of the works up to the present time is 12,306*l.*; and the probable cost will be 13,556*l.* I have already mentioned some of the special difficulties of the work, but I would further remind the House that this is not the only case in which engineering and architectural works have exceeded their estimates, for of such excess you have a striking example in the house in which we are now assembled.

I have already stated that drawings and specifications are ready for works to the extent of 150,000*l.*, which have not yet been commenced—and why? Because some technical defects in the Act prevented the Commissioners from raising money, as Parliament intended they should do, to execute such works, and diffuse the charge for them over a series of years. Up to a late period in last year the Commissioners expected that they would be able to raise the money required from some of the large insurance companies; on further investigation of their security, the insurance companies, without exception, refused. Immediately on discovering these technical defects, we applied to the Government, and asked the Chancellor of the Exchequer, who had then a large surplus in hand, either to grant us an advance on the credit of the rates of the metropolis, as had been done for a variety of other less important purposes, such as the promotion of fisheries, the drainage of estates, the building of farmhouses, and so on; or else to bring in a short Bill merely to correct these technical defects, and to enable us to borrow the requisite funds, leaving the question of the constitution of the Commission completely open for the early consideration of Parliament. The only assistance the Commissioners got from the Chancellor of the Exchequer or the Government was the advice to collect the rates as fast as they could, and to spend as little money as possible. The Commissioners then found themselves in a very painful dilemma. They were obliged either to abandon altogether works which they had publicly announced, and which had met with general approbation—to leave unredressed and unremoved nuisances and evils which it was clear from the weekly report of the Registrar General were causing preventible diseases and death in many parts of the metropolis—or else to raise within the year, for the execution of permanent works, at the expense of the present ratepayers, sums which msut press very heavily and unjustly upon them, and inevitably bring great odium and unpopularity upon the Commission. This subject received the deliberate consideration of the Commissioners, and they ultimately determined to adopt a kind of middle course, resolutely to face any amount of unpopularity wherever they thought the expenditure of money was urgently called for to prevent the sacrifice of human life, yet at the same time to hold their hands with regard to every work which did not appear to them of the most immediate and pressing necessity. For delaying our works till we had satisfied ourselves as to the main lines of drainage, and for the heavy proportion which our staff salaries last year bore in consequence to the total of our expenditure, we were willing, as I told my noble Friend, to bear any reproaches, and to accept the full responsibility; but for the preventible sickness and mortality resulting from our forced postponement of much that we desired to do, and for the actual undue pressure of rates within this present year, not the Commission, but Parliament, or rather the Government, ought to be held responsible. But the inconvenience caused by the want of borrowing powers, is only one out of many difficulties arising from the complicated and multifarious provisions passed by Parliament with regard to this subject; even if money could have been obtained for them, no extensive recourse could have been had to works under "special" or "improvement" rates, on account of the number of forms and notices required for them. Indeed, I have been told by the engineers that though the legal technicalities come comparatively little within their department, the superintendence, and planning, and execution of engineering works, has been, even to them, a light matter, compared with the trouble occasioned by a compliance with the technicalities and forms required by law. But for these difficulties, long ere now, many of the most wretched blocks of buildings would have been put in order with perfect drainage, supply of water, and water closets. As it is, the evils of the separation of the administration of the sewerage and water supply (though I am bound to say that the Commissioners have met with great liberality and assistance from the different water companies) have caused several stoppages of drains, and have aggravated the already too numerous technicalities which interfere with the sanitary improvement of blocks of buildings. I was glad to hear from the Chancellor of the Exchequer that he had at last arrived at the conviction that it was desirable the sewerage and water supply should be dealt with simultaneously as one concern under a combined body. But he could not have pronounced a more severe condemnation of that most unsatisfactory Water Bill, which I felt it my duty to warn the House, on its introduction, must prove a mischievous failure, and which, I rejoice to find, the Government have since most wisely abandoned.

Complaints have been made to-day by the hon. Members for Finsbury and Marylebone, as well as by others, not only in this House but elsewhere, of the manner in which the business of the

Commission has been carried on; but the House, in fairness, should consider the nature and duties of the Commission, and the law under which we are acting, on which I had, on a former occasion, to trouble the House at some length. Perhaps the body to whose constitution that of the Commission may be considered most analogous, is that of the Court of Quarter Sessions, which executes county works, such as the construction and repair of county bridges, jails, and lunatic asylums, and collects county rates for the discharge of county expenses, as well as administers justice in those cases which come within its jurisdiction. It should be recollected that the Commission is not merely a body for the execution of public works, and for collecting large sums of money from great masses of ratepayers, but that it is besides a court of record, having to exercise jurisdiction on many points of a most nice and complicated character under an Act of 146 clauses, the provisions of which being new, left them without any body of precedents for their information and guidance. But the difficulties thus at first inevitably attendant upon keeping the records of the Commission have now been overcome; a series of forms and precedents have been arranged; and no such delay in entering the minutes as did unfortunately take place need ever occur in future; the minutes of the last monthly court, held during the present month, have in fact been settled—I have seen them complete myself—and they are by this time fully entered, or nearly so, upon the final record. Before I quit this subject, however, I must, at the request of the Secretary of the Commission, altogether demur, on his behalf, to the correctness of the account which the hon. Member for Marylebone purported to give, on his authority, the other day, about the confusion prevailing in the office with regard to the records of the proceedings of the Commission. Minutes of all the business transacted by the Commissioners have been throughout most carefully and regularly kept. I altogether deny that they were in any confusion whatever; though, for the reasons I stated, the final entries on the formal record were at one time unfortunately much in arrear. My hon. Friend must have completely misapprehended the statements of the Secretary; but it is not surprising he should have done so, considering how little he is acquainted with the business or law relating to the sewers.

But the Commissioners have been charged with extravagance. I will not condescend to give any answer to the gross charge which has been made against the Commissioners by the hon. Member for Lambeth (Mr. W. Williams), that they squandered their funds in corruption. All I would say is, that if the characters of the Commissioners themselves do not suffice to protect them against such an imputation, nothing I could find time now to say on their behalf could be satisfactory; further than this, that, so far from courting secrecy, we have always invited inquiry. I have, over and over again, both publicly and privately, challenged hon. Members who threw out such insinuations in indirect and intangible terms, to move for a Committee of this House, and have the whole matter sifted to the bottom; and they know best why they have not taken such a course. I may state that the old separate Commissions contracted a debt of 65,000*l.*, which has since continued in existence; but the present Commissioners have reduced the liabilities of the Commission by about 20,000*l.*, and the debt is now less than when we entered upon office, notwithstanding the many miles of drainage we have completed. It is also right I should mention that, under the previous separate Commissions, accounts were very irregularly settled, and very imperfectly kept; that many of these unsettled accounts have been sent in to the present Commissioners for payment; and that actually, not many weeks ago, some of 1839 were brought before us for payment. The accounts of the present Commissioners are kept closely made up, and they have been twice audited by the Government Auditor, who has, on each occasion, highly complimented the Commissioners on the manner in which the accounts are kept. That is very satisfactory; but far more so is the fact that though a long notice of the audit is always publicly given to the ratepayers, and every opportunity is afforded them of examining the books, and of objecting to any improper item before the auditor, when any tangible charge about the expenditure would be sure of a searching and impartial investigation; on no occasion has any objection been made, or indeed, has any ratepayer whatever, out of all our numerous accusers, ever presented himself at all at the audit.

Having thus answered all the charges which I can recollect to have been made against the Acts, I now come to the question of the composition of the Commission. To the objection of the hon. and gallant Member for Middlesex, that we have almost all of us, other heavy public or private business to attend to, I can only answer that, on principle, I am entirely agreed with him; but when I hear hon. Members talk of us as a *dilettante* Commission, I say that such a charge could only have emanated from the most presumptuous ignorance. For, with regard to the construction of the Commission, I may state that six of its members received an engineering education, as officers of the Army—Sir H. De la Beche, a name familiar to the scientific world; Sir John Burgoyne, and Captain Vetch, well known not only for their services in the Peninsular War, but since, for their useful labours in the arts of peace, the one as head of the Board of Public Works in Ireland, the other as member of the Harbour Commission; Captain Dawson, for years engaged in the superintendence of the business connected with Maps in the Tithe Office; Captain Harness of the Mint, and Colonel Alderson, who has since died. It is sufficient to name our two civil engineers—nowhere, except, it seems, in the Vestries of St. Marylebone and St. George's, unknown—the author of the Britannia Bridge, Mr. Stephenson, and Mr. Rendell. Mr. Hardwicke is not only the architect of some of the most admired buildings in the metropolis, but is also largely engaged in the management of house property in several parts of it. Mr. Peto is one of the most eminent contractors in Europe; while of the three Commissioners who have no professional qualification for the actual execution of the works—Mr. Lawes is a barrister, who has made himself master of the complicated law of sewers; and Mr. Hawes, to whose indefatigable attention is mainly owing the satisfactory state of the accounts of the Commission which I have already mentioned, is well known in the City as a man of business. The only remaining Commissioner is myself; and of myself I cannot speak without unfeigned reluctance. I may, however, be permitted to say thus much, that if there be one subject to which I have devoted more labour, time, and attention than another, it is the sanitary condition of the people, and the means for its amelioration. Since the time when I prepared the lecture on the subject, which I delivered in the winter of 1844, at Plymouth, down to the present moment, I have made it my business not only to read most of what has been written on this subject abroad as well as in this country, but also personally to visit some of the most wretched parts of this and other large towns; to examine works in progress; and to make myself practically acquainted with the most approved modes of effecting improved sanitary arrangements. So much for the trouble I have taken; others must judge whether it has been labour in vain. With regard, however, to the imputations thrown out against me by the hon. Member for Lewes, he must allow me to tell him that he cannot entertain a lower opinion of my qualifications, than I do of his fitness to pronounce any opinion upon them. It is some satisfaction to me, under these circumstances, to reflect that I have been three times elected the representative of one of the oldest and most important of our seaports—not, he will allow me to tell him, by the aid of thousands mysteriously expended on my behalf there, but —by the unbought suffrages of a numerous and incorruptible constituency. It is some satisfaction to me to reflect that on the last occasion I was placed at the head of the poll—not, I will inform the hon. Member for Marylebone, because I had acted as the organ of any select vestry there, for Plymouth, happily, posseses no such body, nor, if it did, would I ever consent to bind myself to act upon its instructions. The honourable position in which my constituents have placed me, is not the fruit of any sacrifice of my own conscientious opinions, or any truckling to popular clamour; it is the result of mutual confidence; and that confidence, I must confess to the hon. Member for Lewes, is of itself, if there were no other, an abundant consolation for the loss of his good opinion. I may be allowed to inform him, however, that I did not wait, before deciding on the course which I should adopt in the matter, for the expression of his opinion, or that of any other Member of the House, as to my fitness for the office of paid Chairman to be created by this Bill; still less for the amount of the salary to be fixed. Some time ago, indeed as soon as the general intentions of the Government on this point were communicated to me, I made known to the Government my determination to decline accepting that office—[Lord J. RUSSELL: Hear, hear!]—if it were offered me under present circumstances, which, in truth, I hardly expected it would be.

I have now stated to the House the

labours and performances of the Commissioners, and I may be asked, as they had no sinecure, whether they have been highly paid? On the contrary, the whole of the services rendered by the Commissioners have been gratuitous. That those services are arduous, I venture to think I have shown; and that they are thankless, every thing that has passed during the Session, as well as on this occasion, has most abundantly proved. But arduous as have been our labours, and unremitting our attention, we could not have effected a tithe of what we have done without the most cordial harmony and co-operation among ourselves. Whatever dissatisfaction or discord raged outside the walls of our court room, peace reigned within: we have not, I believe, a division on our minutes, and I shall always look back with pleasure to the friendly intercourse into which the business of the Commission has brought me with so many eminent men, and shall ever remember with gratitude the kindness and support I have invariably received at their hands. But, have we shrunk from inquiry? So far from it, I have over and over again challenged it, publicly and privately, on behalf of myself and my Colleagues; indeed, I may state that at a general Committee of the Commission, on the 27th of May last, at which all the body, with the exception of two only, attended, it was resolved that the unanimous opinion of all the ten Commissioners present should be conveyed to Sir G. Grey, that, "unless the Government see decided inconvenience in such a course, a Committee be moved for in the House of Commons to inquire into the proceedings of the present Commission since its constitution in October, 1849." That resolution I placed in the hands of the Secretary of State for the Home Department, and it was only at his suggestion that the members of the Commission who had seats in this House have hitherto waived their intention of moving for a Committee of Inquiry, before which our accusers might have been compelled either to withdraw or to support their charges against us. With regard to the present Bill, I had not seen it at all until half an hour before it was read a second time; and my Colleagues have unanimously requested me to state, that as a Commission, they decline offering any observations whatever upon it, further than this, that it does not embody the suggestions which they had made to Her Majesty's Government.

It will be for us hereafter carefully to consider what course we shall think it our duty to take under the circumstances in which we are now placed.

In conclusion, I cannot help remarking that, since the Earl of Carlisle left the office which he formerly filled, the Commission has not received from the Government that co-operation and assistance upon which they had reasonably calculated, and without which I do not think that the present Commissioners would ever have consented to undertake their difficult, laborious and thankless office. I believe that the noble Lord at the head of the Government, the noble Marquess who so ably leads the other House of Parliament, and, above all, my truly noble and excellent Friend the Earl of Carlisle, are sincere in their desire for the promotion of sanitary reform; but I must remind my noble Friend that it is impossible for him to claim with consistency the approval of the wise and good, and, as I think, rightly-judging persons who desire the sanitary improvement of the population, and, at the same time, to obtain favour with those who may, with equal consistency, be opposed to it. I am sorry to say that I see indications in several departments of the Government of an intention to thwart, in detail, measures for which the Government, as a whole, takes credit in Queen's Speeches and on other public occasions. Such a course is neither consistent, nor creditable, nor satisfactory; and the sooner a distinct understanding is come to with them as to their real views and intentions with regard to sanitary subjects, the better it will be for all parties.

SIR BENJAMIN HALL thought a great deal of the noble Lord's statement wide of the question before the House; and much that related to the conduct of the Commissioners had been of a most unsatisfactory character. He should prove, from printed documents now in the hands of hon. Members, and from statements made by the noble Lord at the head of that Commission, that it was the most unsatisfactory and inefficient Commission that had ever existed in the metropolitan district. He had, on the 16th of May, made a statement which had never been contradicted, that although many meetings, both of the Commission and of Commissioners, had been held, yet no minutes of those meetings had been entered up from the 11th October last to the 13th May. It was not the business of those who had opposed the Commission of Sewers to move for a Committee of Inquiry into that Commission. What they had to do, and what they did, was to urge the Government to bring in their Bill, and then the noble Lord might have an opportunity of defending them. The noble Lord had referred to former Commissions, and had charged them with being inefficient, incompetent, and corrupt. Now they had nothing to do with the sins of former Commissions, which no doubt were guilty of great extravagance; but he (Sir B. Hall) knew that while the former Commission only levied 3*d.* in the pound, the present one levied 6*d.* The noble Lord had referred to the quantity of the correspondence transacted by the Commission; and there was no doubt that no other bodies in the kingdom carried on so voluminous a correpondence as the Commission of Sewers and the Board of Health; he wished, however, that they had confined themselves to practical purposes and objects, instead of writing letters and employing a whole staff of secretaries and clerks. The noble Lord had spoken also of the plans for the drainage of the north and south side of the metropolis, which were no doubt announced as stated by the noble Lord; and these announcements created the greatest consternation amongst the ratepayers, who feared that they should have a rate of 3,000,000*l.* or 4,000,000*l.* fastened upon them to carry out the plans of this inefficient Commission, and the rate would more likely be 7*s.* in the pound than 6*d.* When the noble Lord said they had executed their works at half the cost at which their predecessors did theirs, he would ask the House to refer to the only work to which the Commission could refer with any boasting —the Victoria-street sewer. It appeared that the original estimate of the first contract was 5,082*l.*, the contract price 4,600*l.*, and the actual cost 7,443*l.* or 2,843*l.*, or 62 per cent above the contract price, and 45 per cent above the estimate. The Commissioners had adopted one curious plan; whenever they got into any scrape, and a return tending to throw any light upon it was ordered, they immediately directed somebody to make a report upon the same subject, excusing them, to be presented with the return. Now, amongst the costs of this part of the Victoria-treet sewer was an item of 450*l.* for expenses incurred in preventing one of the towers of Westminster Abbey coming down. But what business had they to go so near Westminster Abbey? Why did they not carry their sewer at a proper distance from the towers? Then they said that it was necessary to have concrete; but could it be supposed that the engineer did not know the nature of the soil upon which he was working, until at the last moment he ordered concrete to be added to the original estimate at an extravagant expense? According to the noble Lord himself, the ultimate cost of the second length of the sewer would be 13,000*l.*, against an original estimate of 7,700*l.* If, therefore, they might judge by what had taken place here, the costs of the new works which had been suspended, would have been, not 150,000*l.*, as the noble Lord estimated them, but about double that amount, or nearly 300,000*l.*; and he thought that the inhabitants of the metropolis ought to be thankful for those technical defects in the Act which, according to the noble Lord, were the only reasons why this sum was not levied upon them. The noble Lord had surprised him (Sir B. Hall) when he said that the debt and liabilities of the Commission had been reduced; for, by a return presented to that House, according to the 11th & 12th Victoria, it appeared from the accounts of the Commission, to December 1850, that their liabilities were 58,195*l.*, while the liabilities of the present Commission, after an existence of only fourteen months, amounted to 135,342*l.*, and that during that time they had increased their expenditure no less than 77,147*l.* Coming to the expense of works, surveys, and cost of management, he found that 57,665*l.* had been expended upon works, and 8,618*l.* on surveys, making a total of 66,283*l.*; while the management of the Commission during that time cost 21,104*l.*, or about 30 per cent on the works and surveys put together. Something had been said of the non-attendance of the Commissioners at the meetings, and of their theoretical rather than practical mode of acting; and it was very remarkable that if a by-law embracing any of those theoretical notions in favour of sanitary reform which they were in the habit of putting forth was to be passed, there was a full attendance of Commissioners; but when meetings were to he held to hear the appeals of the ratepayers, a meeting could not be formed, and ratepayers who had come to attend it were obliged to go away again. As a specimen of the by-laws the Commissioners adopted, he might state, that on the 15th of October, 1850, they passed an order, or by-law, which was confirmed on the 6th of December, providing that no drain, water-closet, or cesspool should be constructed or used without their approval. There was a person whose name had been frequently before that House, Mr. Frank Forster, who was the superintendent or agent of one of the Commissioners of Sewers, who, not requiring his services any longer, got him a place under the Commission of Sewers instead of Mr. Phillips, who held it before, who could not be said to have either neglected his duty, or to have been incompetent to transact the whole business of the Commission, and who would have done it at a salary of 400*l*. or 500*l*. a year. But because this Commissioner had no longer any further occasion for Mr. Forster's services at the bridge constructed over the Menai, or some other place, he was foisted upon this Commission. That was the way their business had been transacted, and he undertook to prove that the Commissioners had exercised their power in placing persons in that office because their services were no longer required in other parts of the country. He (Sir B. Hall) had got an order of that House for a report upon the metropolitan sewers, by one of their best surveyors (Mr. Smith), to be appended to the estimate of the Victoria-street sewer. Immediately upon his doing so, the Commissioners, although they had previously lauded this man, censured him, and appointed Mr. Frank Forster to go into the sewer, and make a counter report, in order to cover the disgraceful manner in which the work had been carried on there. He wished to know whether a large part of that work, which had cost 80 per cent above the contract price, had not since fallen in? The sewer was now in such a disgraceful state, that when, the other day, he found the street in front of the Horse Guards covered with water and asked the cause, he was told, "It is owing to the Commissioners making the sewers so small that they won't carry the water away." He thought that all these things having been made public, they had a good right to complain that this Bill was not brought in at an earlier period of the Session. The right hon. Home Secretary knew very well that the Commission would expire at the end of this Session of Parliament, and yet almost at the very end of July they were to be called upon to consider this question in its various bearings, and to pass a Bill to perpetuate this excessive nuisance. [Lord JOHN RUSSELL: For one year.] Yes; but when people were thoroughly dissatisfied with the Commission, they did not like to be called upon to pay the rates and taxes that might be levied upon them for even one year. He was sure there could be but one feeling in respect to this subject—that the Commission should cease and determine at the earliest period; and looking at the extravagant manner in which the Commission had exercised its powers, and the unsatisfactory condition in which its works were left, he thought they should at once prevent them, by a clause such as that proposed by the hon. Member for Oxfordshire (Mr. Henley) from levying more than a certain amount of rates during the next year. They had already levied a rate sufficient for two or three years; but he understood they had run into debt—that they were now under great liabilities—and that out of the sum they had levied, they had only a small sum left to be expended upon works. Some of these works no doubt must be finished; but let not the House give more powers than were absolutely necessary. He was sure that unless the principle of representation was introduced into the management of this department, they would not give satisfaction, and the same extravagance would occur again. Compare with the expenditure under this irresponsible Commission, that of one of the best-managed and richest metropolitan parishes—St. George's, Hanover-square—where the representative principle was in action, and where the police rate, poor-rate, and county rate, only amounted to 1*s*. 6*d*. in the pound. He believed, in the words which his noble Friend (Viscount Ebrington) had applied to the former Commissions of Sewers, that the present Commission was perfectly inefficient and incompetent, and that the sooner it was done away with, the better satisfied would be the inhabitants of the metropolis.

MR. HENLEY said, he must object to the tone adopted by the noble Lord (Viscount Ebrington) towards the previous Commissions of Sewers, and also towards Her Majesty's Government. The noble Lord had said that they were more heavily taxed under the former than under the present Commission of Sewers; but he (Mr. Henley) found that in the district where he resided, while the old Commissions only levied a rate of 3*d*. in the pound once in every two years, the present Commission, after receiving a rate of 3*d.* in August, 1849, had levied a rate of 6*d.* in April, 1851; thus taking 9*d.* in eighteen or nineteen months, instead of 3*d.* in two years, The noble Lord had spoken of the labours spent by the Commission in inquiring into the prices of the various works to be done; but it seemed as if these were not expended in a manner very profitable to the public, when the very first sewer that they made so much exceeded the estimate. It would have been much more satisfactory to the public if the Commission had been merely continued for a year, and restrained within some limits, and without an attempt to set up any new machinery. He considered that this Bill would virtually throw the management of the whole business into the hands of one man; for the 4th clause provided that two Commissioners, one of them being the Chairman, should be a quorum, and that the Chairman should have a casting vote, so that the Chairman might outvote his colleague and do what he pleased, the Board being still responsible for his acts.

LORD JOHN RUSSELL said, that some time ago when it was proposed to renew the Commission of Sewers for one year, little objection was made to such a measure, but the main source of complaint against the Commissioners was, that they had very seldom met. The question was, therefore, whether, in renewing the Commission, endeavours should not be made to make it efficient, and to remove that ground of complaint. It was obvious that the Commissioners of Sewers, many of whom were gentlemen of eminence, and had to attend to important avocations, could not be called upon at any time to attend the Board. Now, the only way to secure the attendance of one or more Commissioners, was to give him or them a salary; and the only question before them seemed to be the very narrow one, whether, in renewing the Commission for one year, they should attempt for that year to remove some of the defects of the Commission. Those hon. Gentlemen who wished to remedy the inconvenience which had been pointed out, would adopt the plan of the Government; but those who wished to keep alive the grievance for another debate, and to turn out the fox again next year, would oppose it. With regard to the history which had been given by his noble Friend (Viscount Ebrington), and by the hon. Member for Marylebone (Sir B. Hall), it was very difficult to decide between assertions which were so completely opposed. His noble Friend said the amount of rates expended had been very much less during the last two years than it had been in 1845 and 1846. The hon. Baronet, on the contrary, said that the expenses had been very much greater of late, and that the rates levied had been considerably augmented. He (Lord John Russell) did not pretend to say which of these two authorities was right with respect to the management of the Commission; but he thought his noble Friend (Viscount Ebrington) had some advantage, from his statement that he and the Commissioners had all along wished for an inquiry into this matter—that they had been ready to promote such an inquiry—that they had hoped some hon. Member would have moved for it—but that the opportunity of having all the facts investigated had been denied them. He (Lord John Russell) concurred in the views of his noble Friend with respect to sanitary measures. He was most anxious that sanitary reforms should be effected; but Gentlemen whose minds were bent upon such reforms, might sometimes, in the eagerness of the pursuit, commit errors in judgment, for he did not suppose that sanitary reformers were exempted from human infirmity in that respect. There seemed to be little dispute with regard to the Bill before the House. They were all agreed that the powers of the Commissioners should be extended for another year. The noble Lord the Member for Marylebone (Lord D. Stuart) had said that he knew perfectly well what the intentions of the Government had been, and that they always meant to bring in such a Bill as this, and not to propose any other plan. What mesmeric power enabled the noble Lord to see into the minds of Members of the Government, he (Lord John Russell) did not know; but he could assure the noble Lord that he was mistaken as to the intentions of the Government. His (Lord John Russell's) wish had been that they might have had a measure which might be made to agree with a plan for the supply of water; but as the water supply question stood, they were not able to do so, and the whole of this great question must be postponed for the present; and it was, therefore, necessary to renew the Commission for another year. He agreed that there was hardly any question of more importance than that of providing for the sanitary state of this metropolis, with its

2,500,000 inhabitants, whether, with regard to sewerage, water supply, or other subjects; but the proposal to introduce a great representative body into the metropolis to manage these matters, was one which demanded very grave consideration. He did not suppose that any measure could be introduced on the subject in the present Session, and when the House came to consider the question, he thought they would find innumerable difficulties in the way of carrying out such a proposal.

Lord DUDLEY STUART begged to explain: what he had said was, that he saw all along that it was the intention of the Government not to bring in this Bill till the end of the Session, when there could be no opportunity of fully debating the subject.

Mr. Alderman COPELAND hoped the Government would pay some attention to the expenditure of the Commission. The expenditure during the last year had been near 90,000*l.*, of which 21,000*l.* was paid for the expenses of management alone.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to;* House in Committee.

Clause 1 (Appointment of a Chairman and Deputy-Chairman of Commissioners of Sewers),

Viscount EBRINGTON said, in reply to the statement of the hon. Member for Marylebone, with reference to the records of the Commissioners' proceedings, that it was incorrect to say that minutes of their proceedings were not kept, though at the time to which the hon. Baronet alluded they might not have been finally entered in the formal record. He could not state exactly what the taxation under the present Commission of Sewers had been upon each of the districts, but he knew that from January, 1835, to November, 1847, under the old commission, rates to the amount of 240,000*l.* had been collected. During the existing commission the rate collected had not been so high in amount, the rate collected in 1849 and 1850 being about 130,000*l.*, and there might have been some 60,000*l.* or 70,000*l.* collected in the course of this year; so that instead of the taxation being, as it was represented, to be more onerous now than before, notwithstanding the increased quantity of work done, there had actually been a smaller expenditure. It was not in consequence of the return to which the hon. Member for Marylebone had alluded, that the Commissioners were principally displeased with Mr. Smith, though he did not mean to say that he had acted wisely or judiciously about that. With regard to the charge brought against Mr. Stephenson, of providing for one of his friends, at the expense of the ratepayers, repelled with indignation such a charge upon his hon. Friend. He was quite incapable of such conduct. He could assure the House that so far from jobbing, the whole of the Commissioners were actuated by an anxious desire to make the best appointments, and Mr. Forster was unanimously recommended for it by a Committee of their body, composed of military as well as civil engineers, to whom the matter was referred.

Sir BENJAMIN HALL could undertake to say, that up to the time he moved for the return to which he had alluded, not only was Mr. Smith not censured, but he was always praised by the Commissioners. Sir Henry de la Beche, one of the Commissioners, had spoken of Mr. Smith in high terms of praise; but he (Sir B. Hall) believed that Mr. Smith had been censured, solely because he had shown up the infamous manner in which the Victoria-street sewer had been constructed under the direction of an engineer who received 1,500*l.* a year. He wished to know whether it was true that the workings of the tunnel for the Victoria-street sewer, having been commenced at each end, failed to meet in the middle?

Viscount EBRINGTON said, that there was a slight deviation of fifteen inches on the part of the contractor, not of the engineer, in one part of the tunnel, which had long since been repaired. Mr. Smith was, no doubt, an admirable surveyor, and for evidence his conduct must be always in every respect immaculate; but the fact was, that on one occasion he did something which the Commissioners considered decidedly blameable.

Mr. WAKLEY moved, that the Clause be omitted. It provided that Her Majesty should select a Chairman of the Commissioners of Sewers from the existing body of Commissioners, and, considering the incompetency displayed by that body, he thought it an insult to the public to make such a proposal.

Motion made, and Question put, "That the Clause stand part of the Bill."

The Committee *divided:*—Ayes 35; Noes 21: Majority 14.

Clause *agreed to.*

List of the AYES.

Armstrong, Sir A.
Armstrong, R. B.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Bellew, R. M.
Berkeley, Adm.
Bouverie, hon. E. P.
Boyle, hon. Col.
Brotherton, J.
Cockburn, Sir A. J. E.
Craig, Sir W. G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Evans, J.
Forster, M.
Hall, Col.
Hatchell, rt. hon. J.
Hawes, B.
Hindley, C.
Hodges, T. L.
Labouchere, rt. hon. H.
Lewis, G. C.
Matheson, Col.
Parker, J.
Rich, H.
Roche, E. B.
Romilly, Col.
Russell, Lord J.
Russell, F. C. H.
Seymour, Lord
Thompson, Col.
Thornely, T.
Watkins, Col. L.
Wilson, J.
Wood, rt. hon. Sir C.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the NOES.

Bell, J.
Booth, Sir R. G.
Bramston, T. W.
Buller, Sir J. Y.
Carew, W. H. P.
Copeland, Ald.
Duncan, G.
Edwards, H.
Elliot, hon. J. E.
Fitzroy, hon. H.
Fox, W. J.
Frewen, C. H.
Greene, J.
Hall, Sir B.
Henley, J. W.
Kershaw, J.
Osborne, R.
Spooner, R.
Stuart, Lord D.
Thompson, G.
Walmsley, Sir J.

TELLERS.

Wakley, T.
Williams, W.

Clause 2 (Salary of Chairman),

SIR BENJAMIN HALL moved the rejection of the Clause.

Motion made, and Question put, "That the Clause as amended stand part of the Bill."

The Committee *divided:* — Ayes 35; Noes 22: Majority 13.

Clause *agreed to;* as was also Clause 3.

Clause 4 (that two Commissioners be a quorum).

MR. J. BELL said, he objected to the smallness of the number, and would suggest that it should be altered to three.

The CHANCELLOR OF THE EXCHEQUER said, that the object of the Clause was to secure the presence of two persons to transact the ordinary business of the Committee. The constant attendance of one would be secured by paying him a salary, and it was thought that the attendance of another might always be obtained. There were a great many things (such, for instance, as the jurisdiction of magistrates sitting in petty sessions) which were done by two persons.

MR. WAKLEY said, that he would move that the Chairman should report progress. The Bill required further consideration, for it had only been recently introduced, and was not known to the metropolitan constituencies, from whom, when it was known, it would elicit a burst of indignation.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided:* — Ayes 7; Noes 50: Majority 43.

Clause 4 *agreed to.*

On Clause 5 (Rates to be made, and Mortgages authorised by no less than six Commissioners, the Chairman being one),

MR. HENLEY said, he wished to move two Amendments, the one prohibiting the Commissioners from levying any higher rate than 3*d.* in the pound; and the other depriving them of the power of borrowing.

LORD JOHN RUSSELL said, he would assent to the first of these Amendments, but he objected to the second. It would be absurd to appoint Commissioners to attend to the sanitary condition of the metropolis, and to deprive them of the power to carry out the objects entrusted to them.

Amendment proposed, page 2, line 37, to leave out from the word "Commissioners" to the word "than" in line 38.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 33; Noes 22: Majority 11.

Clause *agreed to;* as were also the remaining Clauses.

House resumed. Bill *reported.*

EXCISE DUTY ON HOPS.

MR. FREWEN begged to move the Resolution of which he had given notice, that the Excise Duty on Hops was impolitic and unjust, and ought to be repealed. He brought forward this Motion, which he considered one of great importance, in compliance with the request of a large majority of his constituents. He had already brought forward a Motion on the subject, which was rejected; and the hon. Member for West Kent (Mr. T. L. Hodges) had submitted a Motion to the House for the general reduction of the Excise Duty; but as the amount of the Hop Duty was not by any means large, the most practical course to pursue, and the course which his constituents desired to urge upon the House of Commons, was to take off the entire amount of that duty. For the last three years the average had been about 320,000*l.*; the whole amount recovered in 1848 being 380,007*l.*; in 1849, 145,693*l.*; and in 1850, when there was a large crop, 424,702*l.*; the average therefore for these three years was 319,467*l.* It ought to be considered that the pressure of this tax was only felt in particular localities. Thus, for instance, the farmers in the eastern division of the county of Sussex paid considerably more than 100,000*l.* in 1848, when the whole amount of the duty did not amount to 300,000*l.* They complained of being called upon to pay a tax to that heavy amount. The operation of the tax was serious in the extreme. By it thousands of acres were thrown out of cultivation, and in some places it was not possible to get tenants on any terms whatever. He was authorised to say, that if the Excise Duty were wholly repealed, there would be no opposition made on the part of his constituents to the repeal of the customs duty, because in that case the hopgrowers believed they would be put in a more favourable position than they were at the present time. The amount of protection was not in their opinion sufficient to enable them to support the enormous war tax that they were called upon to pay. He held in his hand a return of the exports and imports of hops since the year 1845, and he found that there had been, on the whole, a larger amount of exports as compared with the imports. The following were the figures for three years:—

	Exports.	Imports.
1846	448,497	228,800
1847	447,061	245,280
1848	357,029	560,000

In the last year the crop in England was a failure, and yet a larger quantity was exported to meet the demand, which, it must be remembered however, was always limited. There was a very large export of British hops to Belgium and Germany—countries in which hops were grown. There were hops exported to Antwerp, Hamburgh, Rotterdam, and St. Petersburgh. In fact, if the excise duty on hops were taken off, the British farmers did not believe they had much to fear from foreign competition. In considering this subject, it was to be remembered that in some years, owing to the peculiar nature of the crop, there was no crop at all in consequence of a blight, and in other years the produce was very abundant. The tax was a war tax—imposed in a time of high prices, and it had been maintained notwithstanding the change in the currency. He implored, then, of the House to consider the injustice of continuing this tax—a tax of which it had been said by the hon. Member for the West Riding (Mr. Cobden) that he did not believe there was even in Turkey any tax similar to the hop tax. With these few observations, he begged to submit his Motion to the House.

MR. FULLER seconded the Motion.

Motion made, and Question proposed—

"That the Excise Duty on Hops is impolitic and unjust, and ought to be repealed at an early period."

MR. LAW HODGES said, he was acquainted with the state of feeling upon this subject throughout all the most important hopgrowing districts of the country, and he believed that although there were many various opinions with respect to the proposition involved in the Motion of the hon. Member for East Sussex (Mr. Frewen), there would be no great diversity of opinion on the subject of the Amendment which he (Mr. Hodges) should have the honour to submit to the House. He believed that it was the proposal which would best meet the justice of the case, and which would afford the largest amount of satisfaction. If the original Motion succeeded, it could only be on the condition of the total repeal of the duty on foreign hops; and he believed there was not unanimity by any means even among the hon. Member's constituents upon that subject. The planters in Kent were by no means prepared to consent to the repeal of the duty on foreign hops; he (Mr. Hodges) believed very few of them would advocate it. From the year when the Hop Tax had been first imposed to the present time, there had been periodic visitations of the most dreadful distress in all the hopgrowing districts; and there prevailed at present, both in Kent and East Sussex, an amount of distress which was most alarming. These periodic seasons of severe depression brought great calamity in their train, and it was time for the Legislature to think of applying some remedial measure. He was aware that it was too late to expect relief this Session, but he hoped that some effort to remedy the evils of the present system would at least be made in the course of next year; and let the fate of the Motion which he now submitted be what it might, it was his determination to take the earliest opportunity of drawing the attention of Parliament to the question next Session. It was easy to say that the plantation might be reduced; but it must be remembered that the crop was very precarious, and the plantation must be large to secure a sufficient supply. He hoped, whoever might be in office next year, would take the subject into their serious consideration, and endeavour to put an end to the complaints of this interest.

SIR GEORGE PECHELL seconded the Amendment.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'on any reduction of Excise Duty on Hops taking place, it is expedient to reduce the Excise Duty on British Hops, and the Customs Duty on Foreign Hops, by one penny per pound weight each, together with the 5 per cent additional Duty thereon granted by the Act 3 Vic., c. 17;' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BARROW would support with his vote the proposal for reducing this duty. It appeared to him there were three classes whose interests were concerned in this question—the labourers who were employed in the cultivation of hops, the consumers, and the right hon. Gentleman the Chancellor of the Exchequer. The actual cost of labour in the cultivation of this article was from 10*l.* to 13*l.* per acre, or about ten times as much as was expended for labour in the cultivation of ordinary agricultural produce, whilst a duty of 5*l.* per acre went to the Government in the shape of duty. He suspected that for the last ten years the hopgrowers would have been extremely happy to have gone halves with the Chancellor of the Exchequer. It was, however, chiefly as the duty affected the labourers engaged in the cultivation of hops that he advocated its reduction.

MR. CURTEIS was sorry to be obliged to bear testimony to the truth of the statements that had been made with respect to the prevalence of severe distress amongst the hopgrowers of East Sussex. The crop of last year had been disposed of, and might be said to have been absorbed to pay the duties of 1848 and 1849. This year there was every probability of a blight occurring, and it was impossible to conceive from what source the growers were to pay the duty, which would become due in November next. He found that the greater part of the hopgrowers in East Sussex would be ruined. Of the Motion and Amendment before the House, he preferred the former, having been always favourable to the total repeal of the Hop Duty. He trusted that the right hon. Chancellor of the Exchequer would hold out some hope of relief being granted to this sadly depressed interest, if not in this Session, at all events in the next.

The CHANCELLOR OF THE EXCHEQUER said, he was opposed both to the Motion and to the Amendment. This being the fourth time, in the course of the present Session, that this question of the Hop Duties had been brought forward, he therefore did not think that he was under any obligation to enter into a minute discussion of the merits of the case. He had hoped that the present Session would have been permitted to expire without another effort to provoke a discussion upon a subject which had been so frequently deliberated. It must be evident, even to the Members who had brought the question again under notice, that it would be wholly out of the question to expect that at this period of the Session, when all the financial arrangements of the year had been already completed, the Government should undertake to introduce any alterations on the subject of the Hop Duties. What the circumstances of the country might be during the next Session, it was impossible to predict. He could not say what measures it might be found expedient to introduce with respect to taxation, and he certainly could not be so rash as to incur the responsibility of undertaking to pursue any particular course on the subject of the Hop Duties.

SIR JOHN TYRELL said, he must protest against the mode uniformly pursued by Her Majesty's Government to get rid of all questions which, like the one under discussion, were of importance to the agricultural interests, and involved the great principle of the burdens on land. On the last occasion that the question of the burdens on land was brought before that House, the majority in favour of Government was so small that the Government was shaken to its foundation; but he thought that from that period, aided, no doubt, in a great measure by the imbecility of the party behind him, they had treated the question more cavalierly than ever. The House had heard nothing of the remedial measures that had been shadowed forth in the Speech from the Throne, nor in the speech of the right hon. Gentleman the Chancellor of the Exchequer, when he brought forward his famous budget. True, something had been said by the right hon. Gentleman, at the beginning of the Session, about seeds and lunatics; but no sooner was any great question, such as hops or malt, mentioned, than up started the right hon. Gentleman with an appeal to the House on the ground of convenience, and with the plea that the maintenance of public credit depended on the continuance of that particular tax. He protested against this constant reference to the doctrine of convenience whenever the House was called upon to deal with a special case of grievance affecting the agricultural interest.

MR. COBDEN would vote for the repeal of the hop duty, and the House might rely upon it that if the Excise Duty on Hops were abolished, the protecting duty on the foreign article would not, with a free-trade Parliament, long remain on the Statute-book. If anything were wanting to show the impolicy and injustice of the tax, it would be supplied by the speeches of that evening, for the hon. Members for East Sussex and West Kent were opposed to each other on the question. And why? Because the tax operated unequally, and as a protection in one county, and not in the other. In East Sussex hops would sell for 3*l.* 10*s.* per cwt., whereas in the neighbourhood of Maidstone they would sell for 6*l.* or 8*l.*; and as the same duty was paid in both counties, it was obvious that East Sussex suffered an injustice. The inequality was, in fact, so great, that it was enough to condemn the tax. He abhorred the very name of it, because of its absurd and bungling contrivances. Every year excisemen had to be sent through eight or ten counties to assess it; and, in short, it was so bungling as to be quite unworthy of England in the present day. Then it was extremely uncertain in its amount. It might bring in 50,000*l.* or it might bring in 400,000*l.* a year. No one could reckon upon it exactly. It not only deranged the Chancellor of the Exchequer's calculations, but every banker in the neighbourhood of the hop districts was utterly at a loss to know what amount of wages would be required, and consequently suffered from these fluctuations. On the ground, therefore, of its uncertainty and unproductiveness, he would oppose it. He could not see why it should be maintained. He hoped it would be dealt with on an early day. Whether the hon. Mover divided the House or not, he (Mr. Cobden) went with him heartily in desiring to witness its abolition.

MR. BASS was of opinion that the reduction of the duty on malt would afford far more efficient relief to the agricultural interest in Sussex and Kent.

MR. LAW HODGES said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

MR. FREWEN said, in reply, he did not ask the House to repeal the tax this year or next; he merely wished to stamp it as unjust and impolitic, and to suggest that it be repealed at the earliest possible period.

Main Question put.

The House *divided*:—Ayes 30; Noes 59: Majority 29.

List of the AYES.

Adderley, C. B.
Alcock, T.
Anstey, T. C.
Barrow, W. H.
Bass, M. T.
Bremridge, R.
Bright, J.
Child, S.
Cobden, R.
Curteis, H. M.
Dick, Q.
Fox, W. J.
Goold, W.
Hallewell, E. G.
Hollond, R.
Johnstone, J.
Knox, Col.
Lushington, C.
Mullings, J. R.
Pechell, Sir G. B.
Salwey, Col.
Seymour, H. D.
Stanford, J. F.
Thompson, G.
Tyrell, Sir J. T.
Verner, Sir W.
Walmsley, Sir J.
Williams, T. P.
Willyams, H.
Young, G. F.

TELLERS.
Frewen, C. H.
Fuller, A. E.

List of the NOES.

Armstrong, R. B.
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Bell, J.
Bellew, R. M.
Berkeley, Adm.
Birch, Sir T. B.
Boyle, hon. Col.
Brotherton, J.
Bunbury, E. H.
Cholmeley, Sir M.
Clay, J.
Cockburn, Sir A. J. E.
Colebrooke, Sir T. E.
Cowper, hon. W. F.
Craig, Sir W. G.
Denison, E.
Denison, J. E.
Duncan, G.
Dundas, rt. hon. Sir D.
Egerton, W. T.
Ellis, J.
Elliot, hon. J. E.
Evans, J.
Evelyn, W. J.
Ewart, W.
Forster, M.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grosvenor, Earl
Hanmer, Sir J.
Hawes, B.
Heald, J.
Heywood, J.
Hindley, C.
Hodges, T. L.
Hudson, G.
Inglis, Sir R. H.
Labouchere, rt. hon. H.
Langston, J. H.
M'Gregor, J.
Matheson, Col.
Mitchell, T. A.
Morris, D.
Parker, J.
Pusey, P.
Reid, Col.
Richards, R.
Sandars, G.
Seymour, Lord
Stuart, Lord J.
Stuart, H.
Thompson, Col.
Thornely, T.
Wilson, J.
Wood, Sir W. P.

TELLERS.
Hayter, W. G.
Lewis, G. C.

EXHIBITION OF 1851.

MR. HEYWOOD said, that in moving the Address to Her Majesty for the preservation of the Crystal Palace until the

1st of next May, he was prompted do so by what he believed to be the general wish of all classes. Among the grounds on which the appropriation of the building raised in Hyde Park to the object indicated in his Motion seemed to be desirable, he thought that not the least important was suggested when it was considered how much larger London was than any other capital in Europe or America. The ordinary attractions of Hyde Park as a place of public resort had this year been immensely increased by the presence of the successful Exhibition of the Works of Industry of all Nations. Originally the project for the building had been to erect an enormous brick edifice with a huge dome. Of course, there had been great alarm in the neighbourhood when that proposition was first heard of. While the prolonged and difficult discussion as to the character of the required edifice, was proceeding, a beautiful design appeared in the *Illustrated News* of a glass palace, which was proffered as a substitute for the brick building. This design was subsequently somewhat modified; but it was virtually adopted; and it was that design which they now saw carried out in the Crystal Palace in Hyde Park. He was quite aware that while the building was in the course of erection the immense traffic which it called into operation occasioned considerable inconvenience to the immediate neighbourhood; but he did not consider, when the Exhibition was closed, that the glass palace would cause any inconvenience to the residents in the vicinity. He believed, with respect to the durability of the building, that it was very firm and solid. The iron work was remarkably good, and the timber, which was Canadian, would last several years. Some expense to keep it order would necessarily be required, if the building were converted into a winter garden; but the attainment of that object would be well worthy the expense. What he asked the House to do was, to give its sanction to the continuance of the Crystal Palace for such a length of time as would enable information to be gained with reference to its future use, partly for pleasure and partly for scientific purposes. He thought it was a matter well worthy of consideration whether or not it might be formed into a good winter garden for the inhabitants of the metropolis. There were Gentlemen in that House fond of riding, but they often found Rotten-row wet and sloppy. Might it not then be considered how far one part of the

Mr. Heywood

Crystal Palace could be converted into a riding-house? If such a thing were practicable, it would, unquestionably, be a great advantage to that part of the metropolis. With respect to one of the scientific uses to which the palace might be applied, they had an example of what he meant in the Botanical Gardens in the Regent's Park. The conservatory there was a model of what he thought might be established within the wide range of the Crystal Palace. But there was another view of the case. The British Museum was deficient in the room necessary for the reception of all the antiquities provided for it; and the greatest naturalists agreed that the specimens of natural history there would be exhibited to great advantage under glass. The British Museum would soon be far more than filled both in the library department and in that of antiquities; and he thought the third department, that of natural history, might be successfully transferred to the Crystal Palace. The way in which the Royal Commissioners had conducted the whole affairs of the Exhibition, reflected great credit upon them; and he must say that his Royal Highness Prince Albert, who was trained under the Astronomer Royal at Brussels, and made great proficiency in his mathematical studies, was admirably fitted to be at the head of such a body of Commissioners for the promotion of any scientific object whatever. The duties of his Royal Highness Prince Albert and his coadjutors were now coming to a close; and their present intention was to close the Crystal Palace on the 1st September. They were further bound by their contract to remove the building altogether by the 1st of June, 1852. What he (Mr. Heywood) asked the House was, that the Commissioners should be granted a delay up to the 1st May next year, with a view to steps being taken whereby the Legislature could authorise the Commissioners to retain possession of the building altogether. He was authorised to state on the part of Messrs. Fox and Henderson, the contractors, that they would hold themselves in readiness to treat with the Commissioners as regarded the 1st May upon the same terms as had been agreed to as regarded the 1st September. The Commissioners would not, in a pecuniary point of view, be held responsible; and he must at the same time say, that he thought Mr. Paxton and Messrs. Fox and Henderson, who had distinguished themselves so much in the erection of the building, deserved much from the Commissioners in the way of reward, and he should not be sorry to hear that a considerable sum came to them when the change took place. It had been stated by good judges that a very little change, at a moderate expense, would adapt the building to its new use, for the comfort, recreation, and instruction of the inhabitants. In that particular part of the metropolis there was a general absence of places of public resort and amusement. The only place of public resort he was aware of was Tattersall's ; there was nothing analogous to the Zoological and Botanical Gardens in the Regent's Park. As to any nuisance being created of which the inhabitants could complain, he might observe that the arrangements of the police hitherto had been excellent; and the same order could be easily preserved under whatever character the Crystal Palace appeared. The particular style of architecture called crystal architecture was new to historians, and the magnificent specimen in Hyde Park would, no doubt, be spoken of in future history as one of the great features of the age in which we lived, and one not unworthy to be ranked with railways, the penny postage, and other inventions. There were, besides, associations connected with this building that ought to create a feeling favourable to its preservation; such, for example, as the magnificent scene at the opening of the Exhibition by Her Majesty. The Crystal Palace might be described as the nearest approach to a ladies' club that had ever been constructed, for there a lady might walk about with as much security and quiet as in her own drawing-room. As to the changes to be made in the building, a variety might be suggested for consideration, such as fitting up the lower sashes with glass, intersecting it with streets, and so on. The matter which he had brought to the notice of the House was not one in which the Commissioners themselves could move. They had only to abide by their contracts, explicit and implied. Neither was it a matter in which the Government could move. Hence it had fallen into his hands, as an independent Member; and it was for the House itself to decide. The interests of the parties who were residents and owners of house property in the neighbourhood of the palace, were to be fairly considered, and their claims to compensation might hereafter be weighed. The House was at present only appealed to to grant a little time; and he, for one, should deeply regret if they were carelessly to allow the destruction of a noble monument of the days in which they lived.

Motion made, and Question put—

"That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to direct, in such manner as to Her may seem fit, that the Crystal Palace be preserved until the 1st May next, with a view to determine if that novel Structure, or any portion of it, can be adapted to purposes of public utility and recreation."

Colonel SIBTHORP said, he rose to oppose the Motion. He considered that, in so doing, he was at least acting consistently with the course he had hitherto pursued on this subject. He had, at the outset, looked upon the erection of this building as a gross attack on the rights of the people of this country; and he had been proud to find the opinion of a humble individual like himself borne out by the high authority of such eminent lawyers as Lord Brougham, Lord Campbell, and Mr. Justice Cresswell. He had the highest respect for the Illustrious Prince at the head of the Commission, but he still entertained the same opinion he originally professed on this subject. Unfortunately, however, for the people of this country, the erection of this Crystal Palace took place; and what had been the result? The desecration of the Sabbath—the demoralisation of the people—a disunion of parties—and increasing poverty to a most serious extent; for he had heard, and with pain, that the poor of this country had been seduced to come up to this Exhibition. All that they had saved and all they could borrow had been in many cases spent in this foolish journey; and he knew he spoke facts when he stated that not only had they borrowed money but pawned their clothes to enable them to come up to this "World's Fair," as it was called; and now they were left without a penny in their pockets. One-half of the tradesmen in the metropolis and the provincial towns would tell them that their trade was lost—that they had no customers—all had gone to the Crystal Palace, not merely for amusement, but, what was worse, to make future orders for the goods of foreigners, who came here to undersell the honest, industrious, and heavily-taxed people of England. As for the building itself, it was, no doubt, a wonderful building externally; of its interior he knew nothing, for, curious as he was on the subject, he had, from principle, denied himself the gratification of his curiosity on that point. And they were now considering whether they should perpetuate this building. But a compact had been made with reference to it, that it should stand only for a certain time, and that it then should come down. Did the Government intend, or did they not, to adhere to that compact? Would they swerve from that compact, and adopt the Resolution of the hon. Member for North Lancashire (Mr. Heywood)? He believed that, morally, religiously, and socially speaking, this Exhibition was a great curse to the country; and, with the opinions he had ever entertained of it, and in which he was more than ever confirmed, he could not possibly subscribe to any such Motion. After the exhibition of meanness on the part of the Commissioners when they came to that House and asked for money for the payment of their clerks, he could expect nothing at their hands but trickery and manœuvring. He had given his mite to oppose the erection of the Crystal Palace, though in that they were thwarted by the late Attorney General. Would those who had already made 300,000*l.* by it, spend some of that in keeping up the winter garden they wanted? Would they keep up this palace of tomfoolery at their own expense, or would they have the boldness to come to that House for a Parliamentary grant for it? If the latter, then that would of itself form a sufficient reason for his own opposition to any proposal tending that way, to say nothing of his general objections to everything connected with the whole scheme, and the manner in which it not only violated the rights of the people in general, but more especially the rights of those to whose property in the immediate neighbourhood of the Exhibition it was a serious injury. On all these grounds, then—pursuing the same course he had ever followed on this subject—guided by no selfish motives whatever, but acting in pursuance of what he felt to be his duty to the people of this country—he should say "No" to this Motion, and gave it his most determined opposition.

Mr. LABOUCHERE said, he had no intention of following the hon. and gallant Officer through the great variety of topics to which he had adverted in his discursive speech; but, as one of the Commissioners, he begged to offered a few observations on the Motion now before the House. He did not agree with the hon. and gallant Officer in the general estimate he had formed of the merits of the Exhibition. His belief was that it had not only ministered to the gratification of hundreds of thousands of persons of all ranks and conditions, but that its permanent effects on the trade of this country, as well as on the improvement of all the arts that ministered to the comfort and well-being of the people, would not be little. However, upon these points there was so wide a difference between the hon. and gallant Member for Lincoln and himself, that he despaired of making any impression upon the mind of the gallant Colonel by any arguments he could use, and therefore would leave that question to the general sense of the House. The gallant Officer had talked of the general demoralisation of the country caused by this Exhibition. Now, he believed nothing could be more moral, in the highest sense of the word, more humanising, or civilising, than the great spectacle they had seen in this country. So different were his views from those of the gallant Colonel, that though he had seen with admiration the magnificent assemblage of works of industry collected within the marvellous structure which the genius of Mr. Paxton had raised, yet there was another spectacle he had seen with still greater delight, and that was the orderly demeanour of the hundreds of thousands of our fellow-countrymen of all ranks and classes, from the hives of industry in the manufacturing towns, as well as from the agricultural districts, almost without a single case being brought before the police, and without the slightest disturbance of the public peace, in spite of those sinister observations they had heard so much of, that the metropolis would be a scene of disorder, if not actually burnt and pillaged. Nor could he omit to say how gratifying it was to find that, notwithstanding the great influx of foreigners to our shores, there had scarcely occurred among them, any more than among our own countrymen, a paltry police case, or the slightest breach of the public peace. He therefore formed a very different estimate of this Exhibition from that entertained by the hon. and gallant Officer; and he could not help referring to the circumstance, so gratifying to them as Englishmen, while it had excited the admiration of foreigners, that all this had taken place without any display of military; that the mere staff of the policeman, enforced by the love of order and of law which happily distinguished the people of this country, had crushed everything like disorder, notwithstanding that the streets of the metropolis were crowded beyond all former precedent. He would now make a few remarks upon the question more immediately before the House. The hon. Gentleman (Mr. Heywood) had brought forward a Motion, not asking the House to pledge themselves to the eventual and permanent maintenance of the building, but to consent that a sort of reprieve should be given to it, so as to enable them next Session fully to consider the matter. On that question he, as a Commissioner, and as a Member of the Government, would express no opinion whatever. He held that it was a question for that House to decide. Both as a Commissioner and as a Member of the Government, he considered himself pledged to pull down the building, unless that House expressed a different opinion. For his part, not for all that was in the Crystal Palace would he be a party to the violation of that pledge, without the consent of the House of Commons. At the same time, it was right the House should be mindful of how the Commissioners stood in regard to this matter. The engagement which was entered into with Messrs. Fox and Henderson as to the taking down of the Palace, presented two alternatives. It was, in the first place, agreed to pay a certain sum for the use of the building for a certain time; and that it should then be taken down; but if it should be finally resolved to retain the building by the Commissioners, it was then agreed that they should purchase it by the payment of a further sum. At that moment they stood engaged to pay to the contractors, for the use of the building, about 120,000*l.*; and, if the building were purchased, they engaged to pay 70,000*l.* more, making altogether about 190,000*l.* It was also agreed that unless the Commissioners gave notice to Messrs. Fox and Henderson for the removal of the Palace before a certain day, they should be bound to purchase it, so that even if the building were to stand, they would be obliged to give that notice, unless those gentlemen were ready to release them from that obligation.

MR. HEYWOOD had the authority of Mr. Paxton to say that Messrs. Fox and Henderson would consent to waive those terms of the contract.

MR. LABOUCHERE would only say further, the Commissioners were, in fact, bound to pull down the Crystal Palace, unless the House interfered to prevent it. The whole question was before the House, and he would not give an opinion on the subject one way or the other. Every Member was perfectly competent to form a judgment upon it; and it was pre-eminently the duty of the House to decide the question. He should not vote on the Motion, but wait and see what decision the House came to.

SIR ROBERT H. INGLIS said, that differing entirely as he did from the feelings expressed by his hon. and gallant Friend (Colonel Sibthorp) on this subject, he agreed with him in the conclusion to which he had come, and he was anxious to state the grounds on which he had come to that conclusion. He believed the House was not at liberty—he used that phrase deliberately—to alter the contract into which the Commissioners had entered with regard to the removal of the building from Hyde Park. He agreed with his right hon. Friend (Mr. Labouchere) in all that he had said as to the benefits which had already resulted from the Exhibition. And when they acknowledged those results, it behoved them not to be proud, but thankful that there had been communicated to a larger mass of their fellow-creatures than had ever before been congregated together, more rational, intelligent, and beneficial pleasure than had been ever before enjoyed. And when he compared the predictions of last year with the happy falsification which it had been their privilege, through God's good providence, to witness, he felt shame and humiliation when he remembered that he also was amongst those who prognosticated evil. He had indeed taken no public part in making those prognostications, but in his own secret mind he certainly anticipated almost all the evils which others had stated; and therefore he wished now all the more strongly to bear testimony, with his right hon. Friend, to the good conduct of the people of England, as well as to the good conduct of their friends and allies from the Continent, whom they had welcomed. He had every confidence in the efficiency of the police force; but he believed that if the great masses who had been congregated together had not been actuated by higher principles, ten times the amount of police force would not have sufficed to preserve order. Further, he could not but acknowledge the great obligation the country owed to the prescient sagacity of the illustrious Prince who devised the plan, and who had successfully carried it out, notwithstanding the lukewarm support of many, and the ill-concealed aversion of others. That illustrious Prince foresaw, not only the immediate pleasure which his conception would contribute to his fellow-subjects, but also the great ultimate and lasting benefits which would result from it. Those benefits, he (Sir R. Inglis) apprehended would not be of a limited or of a temporary nature; but, if the building were destined to fall to-morrow, those benefits would be felt for many generations to come. It was, indeed, a peace congress, in which were brought together those who were formerly regarded as natural enemies, and who, without the sacrifice of principle, and without any differences of opinion, had drunk at the same spring; and all of whom, he hoped, were equally thankful for the pleasure they had been permitted to enjoy. No one could have visited the Exhibition without experiencing a joy he had never felt before at beholding so many happy faces brought together. If he differed from his right hon. Friend (Mr. Labouchere) in any part of his address, it was that in which he withdrew himself from all responsibility as a Minister of the Crown. The Ministers of the Crown, from their position, ought to guide and govern the House. But he did not consider the question to be whether the preservation of the Crystal Palace, or the erection of a new one, would or would not be for the best interests of the country. He felt that he was not at liberty to take into consideration any benefit that might result from the continuance of the building. To him it was simply a question of contract, and more especially with those whose property had been already deteriorated to a great extent by the building, and would be much more deteriorated if the building should be made permanent. His right hon. Friend wished to have an expression of the opinion of the House on that point; but if that opinion were unanimous, it could not affect the contract. Nothing but an Act of the Legislature could possibly get rid of the contract. If, therefore, the question should come to a division, he must feel himself bound to vote against the proposition of the hon. Member for North Lancashire, because he did not think they had the power, however much they might have the desire, to retain the building.

Mr. EWART said, he should support the Motion. He could not understand the argument of the hon. Baronet the Member for the University of Oxford, that the House was not at liberty to annul the contract. Messrs. Fox and Henderson did not insist on the precise conditions of the contract; and the House, therefore, could fully intervene to effect a delay and time for consideration. The people out of doors did not object to annulling the contract. The proprietors of houses adjoining the Exhibition were no parties to the compact. They were accidentally mixed up with the question, and had claims entitled to attention; but with these claims at present the House had nothing to do. There were three purposes to which the Crystal Palace might be converted, in the event of its being retained as a permanent building: first, it might be a place filled with scientific collections; second, a place of recreation; and, thirdly, a place for health. As a museum for scientific objects of all sorts, it would be invaluable; as a place of recreation, it would suit admirably; and in the winter season, as a place conducive to health, it would be attended with great advantages to many classes. On these grounds he was decidedly in favour of the retention of the building. He paid no attention whatever to the suggestion that it was not fitted for a permanent building. His answer was, that Mr. Paxton had explained in his pamphlet that even when forming the original design, he carefully kept in view the after use to which the building might be applied as a winter-garden. The question for the House was, whether they would let slip this splendid opportunity of conferring a vast benefit upon the public and the country. He hoped that they would not. He cordially concurred in all that had been so well said by the right hon. Gentleman (Mr. Labouchere) and by the hon. Baronet Sir R. H. Inglis) as to the spirit shown by the people, the conduct of the Government, and the forethought of the illustrious Prince; and, in now giving his vote in favour of the proposal of his hon. Friend, he was convinced that he was expressing, as far he knew them, the opinions of his constituents and of the great body of his countrymen.

Mr. M'GREGOR said, as he lived opposite the Crystal Palace, he might be pardoned for saying a few words. He believed that few of the edifices built opposite Hyde Park would have been built in the way they are now if it had been contemplated that the view of the Park, and their intercourse with it, would be obstructed by the erection of a building so formidable in point of size. He had chosen that locality on account of its privacy; and he knew that his neighbours, and especially that enterprising builder, Mr. Elger, had been subjected to serious losses in consequence of that privacy being infringed. On the other hand, when he looked to the extraordinary scene presented in the Crystal Palace—to the gathering of all nations there—and to the wonderful collection of all the products of art and industry inside—he felt that he should be selfish indeed if he were to interpose his own domestic convenience against the retention of a building that he thought might be made a great agent in the civilisation of the world. He certainly thought they would be committing a rash act if they decided for its immediate demolition; and therefore he would support the Motion of the hon. Member for North Lancashire, in order to give time for further inquiries. He had his doubts whether it could be converted into a winter garden; but he believed it might be made a museum more important than any that had ever been seen—that, in fact, it might be made a great European university of civilisation.

COLONEL THOMPSON said: I desire to put in one or two reasons in favour of the Motion. The first is, the general impolicy of doing and undoing. After great expense has been incurred to raise a building, the odds appear to be that something better can be done with it than to destroy it. And the next is, that there is a large party in the country who are anxious to see the building preserved, not only till May next, but in perpetuity or as far towards it as is possible. The great end and object of the Exhibition in Hyde Park does not appear to have been ever stated in this House with as much distinctness as it admits. The place is a grand mart of all nations, where each in kindly and honest rivalry, may determine which of the necessaries or comforts of life can be obtained on better terms by exchanging the products of their country for them, than by making them at home. In all this, there is no fraud, no setting of nation against nation, no attempt at anything but the promotion of a common good. In every country, there is what may be designated as a commercial interest, whose immediate concern is in the furnishing or forwarding the goods to be exchanged with foreigners. In England, this interest is represented by nobody so well as my constituents at Bradford; it is therefore my manifest duty, to stand up for everything which may promote the extension of foreign commerce. We trust the question has been sufficiently sifted here and elsewhere, to prevent our being put down under the childish cry of Protection to Native Industry. Are we not native industry, and is not our industry as good as another's, or better, inasmuch as the result of it is to give the benefit of the difference of price to the consumers, with no balance of injury to the operatives in the aggregate? In this view, we should necessarily be glad to see the present building applied to the purpose of a similar Exhibition triennially, or if that be too often, septennially. And for such a purpose, it is clear we must vote for the preservation of the building now.

MR. GOULBURN said, if this were a question whether they were to pay a compliment to Mr. Paxton for his splendid design of the building which had been erected, or to Messrs. Fox and Henderson for the skill and ability with which they had carried out Mr. Paxton's design; or if the question were whether they were to pay a tribute of respect and admiration to the illustrious Prince who had originated the idea of the Exhibition, he certainly would have offered no opposition to the Motion; or if it were desired to mark their sense of the value of this Exhibition—if there was any doubt whether they were sufficiently sensible of the advantages which had been derived from the general good order of all classes—then he would not be found among the opponents of this Motion. But agreeing on all these points with the hon. Member for North Lancashire, he still felt that a great principle was involved in the question which they were called upon to discuss—the principle of the maintenance of perfect good faith with the parties concerned in these transactions, which was involved in the question they were then discussing; and he felt bound in consequence to oppose the proposition for an Address to the Crown on this subject. He put it to hon. Gentlemen opposite whether this building would ever have been raised—whether the public consent would ever have been given to an encroachment of twenty acres on Hyde Park, if it had not been assured that when the purposes of the Exhibition were served, and the time fixed upon for its conclusion arrived, that then the building should be taken down, and the park be restored to its former condition, for the recreation and the health of the people? If they looked to the express terms of the contract, he thought they would see that nothing could warrant a departure from the original arrangement. He did not refer to the specific provisions of the contract entered into between the Government and the contractors, but he spoke of the general understanding in that House and the country, and he, for one, could not bring himself to be a party to its violation. While he admired as much as any man the genius and the tact shown in this building, he thought it would be for the advantage of the designer himself that the building should be removed in the full bloom of its fame. It was not well, for instance, that a public man should remain at his post after his faculties were impaired and his vigour paralysed; it would be better that he should retire into private life; and so it was with regard to this building. No doubt it excited, at the present moment, general admiration; but he believed that when the Exhibition was removed—when it no longer contained the various products to which the hon. Member for Glasgow (Mr. M'Gregor) had referred—the public admiration would not be extended to it in the same degree. The hon. Mover of this Resolution stated that it might be retained as a place of recreation for Belgravia, and he also suggested that it should be retained as a ladies' club; but afterwards the hon. Member was constrained to admit, that, in consequence of the want of a free circulation of air, it would be necessary to alter the lower part of the building. Well, but if that were necessary, what was to become of the ladies' club? And even admitting all this, would not the people of Tyburnia demand a similar portion of the park for their recreation also? Another hon. Gentleman was averse to its being converted into a winter garden; but he suggested that it would form a magnificent museum for specimens of geology, and zoology, and all the other ologies. But there was one answer to all of these speculations—that a considerable expense would be incurred, whether the building was to be used as a winter garden, or ladies' club, or as a new Tattersall's; not that these expenses would be very heavy, or that they would be much felt at first, but as years rolled on, the expenses would begin to be severely felt, and there would be a different feeling with respect to it on the part of the people. A good deal had been said respecting the petitions presented on this subject; but he must say that he had examined these petitions with some care, and, instead of the majority of them coming from the metropolis, as might have been expected, he found that most of them came from Scotland—from Glasgow, Edinburgh, Selkirk, and Stirling; and in England, the towns of Falmouth and Exeter were most conspicuous; but in London the petitions were in very limited number; and he believed that if the metropolis were polled, there would be a great majority for restoring Hyde Park to its pristine integrity. If this encroachment were permitted, he feared that other portions of the park would be used for kindred purposes, and thus the space allotted for health and recreation would be gradually encroached upon. For these reasons he must give his decided opposition to the Motion.

Mr. WAKLEY said, the reason why no petitions had been presented from the metropolis was, that the mass of the population could not believe it would enter into the head of any man to destroy such a building. The right hon. Gentleman (Mr. Goulburn) seemed to fear that the public would sustain a loss of twenty acres in Hyde Park by the retention of this building; but if the right hon. Gentleman would look into this question, he would find that the building would be a great gain to all classes. The building would not be confined to any particular class, it would be open to all at particular times gratis; and with respect to the cost of it, it never was intended to apply to the Government for the expense of its maintenance. Mr. Paxton himself stated that, in order to prove no public grant was necessary, responsible parties were willing to take the building on a lease for twenty-one years, and to submit their tariff of charges for admission to the control and supervision of Government. He was certainly surprised to find that the right hon. Gentleman (Mr. Goulburn), and the hon. Baronet (Sir R. H. Inglis), who represented the two Universities of Oxford and Cambridge, should manifest so much indifference to the interests of science. They talked of a contract. The contract was between the Commissioners and Messrs. Fox and Henderson, and he held in his hand a slip of paper, signed John Henderson, to this effect:—"I agree, on the part of Messrs. Fox and Henderson, to consent to an arrangement for notice of removal of the Crystal Palace, to be given for its removal on the 1st of May next, provided that they are not placed in a worse position than if notice were given on the 1st of December." That point was therefore disposed of. Who could contemplate the destruction of such an establishment otherwise than with feelings of pain? He (Mr. Wakley) declared that the Crystal Palace was connected with the noblest associations that could engage the mind of man. The conception originally was a grand one. It was marvellous in its capacity. It embraced the universe, and they had seen the effect of it manifested in every quarter of the globe, the concentration of interests being in that sacred spot in Hyde Park. Was it not an audacious step to presume to desecrate such hallowed ground? That was the conviction which he entertained. He might be wrong; but he declared, if it was proposed seriously to destroy that fabric, he should not be surprised at the labouring men refusing to undertake the demolition of what they believed was a temple of peace and industry. The hon. Baronet the Member for the University of Oxford was one of the prophets of evil, but he had had the candour to admit he had been agreeably disappointed. The hon. Baronet seemed astonished that the English people should have been admitted in such numbers; and should have behaved so well. But what did he expect? Did he think the English people were wild beasts? He (Mr. Wakley) could assure him that the English people, into whatever place they were admitted, conducted themselves as rational and civilised beings; and their behaviour on this occasion, whilst it reflected honour on themselves, would tend to raise the national character in the opinion of foreign countries. Then, with regard to the foreigners; was it not delightful to witness harmony and concord amongst persons whom the hon. Member had had the misfortune to call natural enemies? But human beings were natural friends, and were only made enemies by bad government and vicious legislation. By inviting people to meet and reflect on works of art, they were humanised in the highest possible degree, and their minds were elevated to the highest point the human intellect could attain. Gentlemen had the means of enjoyment where ladies were not admitted. There would be no fear of the demolition of the Crystal Palace if it were put to the vote of the ladies of London or of England, whether or not they were in favour of its retention as a winter garden, where, instead of a shivering atmosphere and mountains of dirt and dust, they might enjoy a promenade protected from these sources of annoyance and ill health. It would be a place of universal resort; and for people in the neighbourhood to say their property would be deteriorated, was a most cunning trick. They would be setting up a claim by and by for compensation. But he would put this question to the owners of property in the neighbourhood—if it was resolved that the Crystal Palace should be retained, would they undertake to sell their property at the same price they would have taken before the Crystal Palace was erected? The same cry was made when railways were being rapidly extended; but he believed there was no instance in which property in the neighbourhood of a railway station had declined, whilst in many cases it had increased three and four fold in value. His conviction was, that no praise could be bestowed on Messrs. Fox and Henderson equal to their deserts. But it was the exclamation of every one—"After all, the structure is the crowning work." Was it possible any human being could say, "Sweep it away! Leave not a fragment of it behind?" He (Mr. Wakley) could not ask for an unanimous vote; as three persons had spoken against the Motion. They would be three great curiosities in a future day. He could not possibly understand how any one could contemplate the destruction of the Crystal Palace; and he firmly believed, if it was possible the votes of the people could be taken, forty-nine out of every fifty would be in favour of its permanent establishment.

MR. BANKES said, the remark of the hon. Gentleman who had just resumed his seat, that only three Gentlemen had spoken against the Motion; so far from weighing with him to the same conclusion, satisfied him, on the other hand, that the arguments offered by those Gentlemen were so unanswerable that nothing more was needed in addition. He was perfectly satisfied with the argument of his right hon. Friend (Mr. Goulburn), founded on the necessity of keeping faith with the parties concerned in the contract relating to the erection of the Crystal Palace. He was not for the destruction of the building, nor was he for its continuance on its present site, as that would be a violation of public faith. But if there was a great desire for the establishment of a winter garden in the metropolis, the hon. Member (Mr. Wakley) was the proposer of a new park in Finsbury, and thither the Crystal Palace might be transferred. [MR. WAKLEY: I should be delighted.] He would be most happy to vote with the hon. Member if such was the proposition. The hon. Gentleman was the advocate of the interests of the labouring classes, and if the Crystal Palace was removed from Hyde Park to Finsbury Park, the labouring classes would be employed, the experiment of a winter garden would be tried, and public faith would be kept. It was not a question of Fox and Henderson—it was a question of those residing opposite that part of the park. He (Mr. Bankes) cared not whether it was my Lord Campbell on one side of the Serpentine, or Mrs. Hicks on the other; he was opposed to every sacrifice of faith with any individual. He asked the hon. Member for Finsbury, whether he believed the consent of the two Houses of Parliament could have been obtained for this great project, if it had not been understood that the interference with Hyde Park would be only for a limited period? If the hon. Member could not answer that question, as he (Mr. Bankes) believed he could not answer it, negatively, whatever might be the wish for the retention of the building, it ought to be removed at the stipulated time.

Lord SEYMOUR wished to state why he should vote against the Motion; it was because it appeared to him to be of far more importance to keep public faith, than to preserve the Crystal Palace in Hyde Park. When the subject of building the Palace was first under consideration in that House, the very first minute which the Crown laid on the table was a memorandum of the Commissioners, in which they stated that, with regard to the building, they could only repeat to the House the assurance which had been already given, that it was not intended to be a permanent building, but that it would be entirely removed within seven months after the closing of the Exhibition: that an agreement to that effect had been entered into with the Lords of the Treasury, and that the building must be removed in accordance with that agreement. It was owing chiefly, if not wholly, to the understanding that the building was to be a temporary one, that the inhabitants of the metropolis so readily gave their support to the plan; and, such having been the agreement, he did not think it fair to call upon the Commissioners to violate their pledge. It had been said that the people did not expect that the building would be removed. That was not a very complimentary opinion to express towards either the Commissioners or the Government. The Commissioners gave a solemn assurance that the building should be removed, and the Government also gave a like assurance. The hon. Member for Finsbury (Mr. Wakley) had said that the inhabitants of the metropolis never would believe that any one would remove the Crystal Palace; he (Lord Seymour), however, hoped that time would show to those persons that the words of public men, and of the Government, were not so lightly spoken, and so easily disregarded.

Mr. C. P. VILLIERS said, that when it was stipulated that the building was only to be temporary, it was in consequence of the opinion then entertained by many persons that it could not succeed, and must fail. He, in common with the hon. Baronet (Sir R. Inglis), had grave apprehensions of the propriety of assembling millions on a site on one of the greatest thoroughfares of the metropolis, and had, with him, been happily disappointed. That feeling was pretty general at the time, and that made them less anxious as to retaining the building. With regard to the feeling of the inhabitants in the neighbourhood, he could say, having resided there for some time, and knowing the sentiments of the residents, that they regarded this Motion, which was only for the retention of the building for four or five months, in order to try how it would succeed as a winter garden, in a different light from what they would if it was now proposed to perpetuate the building. He believed they would consider it much more disagreeable if the building were to be taken down in winter immediately when the agreement expired.

Mr. CLAY said, he agreed with what had fallen from the hon. Member for Finsbury with regard to the petitions from the metropolis. He believed the people could not bring themselves to think that the building was to be pulled down. The people did not know the precise pledge which had been given; but they knew that Mr. Paxton had constructed the foundations so strongly that the building might be made permanent if it was thought necessary. All that was now asked was to preserve the building till the 1st of May. By that time the opinions of the public could be made manifest. The right hon. Gentleman the Member for the University of Cambridge had made use of a curiously eccentric argument, for he said, "If the winter garden would give an advantage to Belgravia, Tyburnia would put in her claim for the same thing." There might be a question whether, according to the old adage, they might not have too much of a good thing; but if the right hon. Gentleman thought Tyburnia would be so desirous to have a winter garden, how could he in the same breath tell them it would be a bad thing for Belgravia? He believed that the Exhibition had promoted good-will and peace amongst men, and that more than a mere remembrance of it should be retained as its record.

The CHANCELLOR OF THE EXCHEQUER said, that if the object of the Motion was to express the well-deserved credit he thought they owed to the illustrious Person who had conceived the design of the Palace, of the Commissioners who had erected it, of the architect who had designed, and of the energetic contractors who had carried it out, there was nothing that had fallen from any hon. Member, except from his hon. and gallant relative (Colonel Sibthorp), in which he did not most cordially concur. If, again, the object of the Motion was to express their admiration at the conduct of the people and of those who had visited them, in that, too, he most willingly concurred; but he thought the House, in considering such matters, was apt to lose sight of the real question before them. The hon. Member for Finsbury (Mr. Wakley) had indulged in a warm eulogium on the Temple of Peace, in which had been united all the nations of the earth. No one could admire more than himself the Exhibition, and the good it had done in promoting good-fellowship between the nations of the world, and in displaying the wonders of art from various countries to which hon. Members had alluded. That was what had been effected by the Exhibition, but that was what would not be effected by the proposed plan. A certain purpose had been accomplished by the existence of the building for a definite time, and it was utterly impossible to obtain that purpose by the devotion of the building to another object. The hon. Member for Wolverhampton (Mr. C. P. Villiers) said, let them try the experiment of a winter garden. Before they came to any conclusion on the subject of the garden, they must give some little attention to the kind of expense to which they would be subject, and to the source whence it would come should they sanction that plan. One of the Commissioners had stated the terms of the contract, which were that they (the Commissioners) were to become possessors of the building on the payment of 70,000*l.* in addition to the contract price for the erection and use of the building. If the nation were to perpetuate the building, they must be prepared to take on themselves, in the first place, the payment of this 70,000*l.*, for those were the terms on which the Commissioners might take up the building from the contractors, and if they put themselves in the position of the Commissioners, they must be called on to pay the same amount. Nor should they shut their eyes to that fact. If the Commissioners thought fit to purchase the building for the nation out of the funds they had received, that was another matter; but it appeared from what had been stated, they could do no such thing. Therefore they must consider they were authorising the expenditure of 70,000*l.* in the purchase of the building. An hon. Member told them it was the intention of Mr. Paxton from the first that the building should become permanent; but no one would say, taking it altogether, that it was in such a state as would render it capable of being maintained as a permanent building without expense. He would not state any probable sum, but he was quite sure no one would contradict him when he said that to put it in a condition for a winter garden would require a considerable outlay; and he apprehended no one imagined that it could be maintained permanently without a considerable annual cost. This only referred to the building as it stood. As a winter garden considerable expense must be incurred to put it in a state to afford the country the slightest opportunity of judging whether they would like it or not. He did not suppose his hon. Friend (Mr. C. P. Villiers) thought that empty walls would enable the public to judge whether they would like it or not as a winter garden. But if it was put into the state of a winter garden, he did not think the object which the hon. Member (Mr. Heywood) had indicated of a ladies' club would be quite in unison with the scientific purpose described by others. The building was built for a temporary purpose; the most solemn pledges were given that it should be so; and the noble Lord the Chief Commissioner of Woods and Forests had stated to them he thought the Government were bound to take it down, unless there was a national expression of public opinion which should interfere between them and its removal. It must, he thought, be something more than a mere majority of the House that could convey the certain expression of that opinion; and, for himself, he would not pretend to express any opinion, nor did he, as a Member of the Government, feel called upon to take the initiative at all. He had stated what they had to expect if they proposed to continue the building; and, as a Member of Her Majesty's Government, he would give no opinion on the question, and in that capacity he would give no vote upon the question.

Mr. HEADLAM thought the arguments urged that evening against retaining the building, were such as ought not to influence the decision. He denied that the noble Lord at the head of the Woods and Forests was justified in entering into any contract which could fetter the public as to what should be done with the building. In point of fact, there were no parties capable of entering into the supposed contract; and even if there had been, he should still deny that any such contract had been entered into. The utmost that could be said was, that an expectation had been held out that the building would be removed; but he claimed for that House the power of saying in what manner, in their opinion, it was best that the parks should be used. The right hon. Chancellor of the Exchequer had not furnished the House with any distinct information as to the expense of maintaining the building. He (Mr. Headlam) did not think any great expense would be incurred. The funds derived from the opening of the Exhibition would be considerable; and, considering that the Zoological and Botanical Gardens maintained themselves, he could not doubt that the Exhibition also might be supported without the slightest difficulty by the subscriptions of visitors. He believed it was a great mistake to suppose that the public were indifferent on the subject. If there had not been many petitions presented, it was simply because no one had any idea that the building would be removed. At all events, the public would be greatly disappointed if it were not retained till the 1st of May; and under the contract with Messrs. Fox and Henderson it might be retained until then without any extra expense.

Mr. GEACH could state, from the most credible sources of information, that the observations of the Chancellor of the Exchequer as to the perishable nature of the materials was not correct. The building had been so constructed that there was scarcely any part which they would not have to put up in a permanent building, or any expense gone to which would not be incurred in putting up such a building at present. With the exception of painting, the expense of keeping it in repair, would not be considerable. He could not admit that the persons who had residences in the neighbourhood of the Crystal Palace were the public; and, if any violation had been committed towards them, it had been committed when Her Majesty, by Her warrant, granted the site, and when the Parliament sanctioned the building by an address to the Crown. He considered the consent of the general public was to a great degree involved in the consent of the Parliament to that Act. It would be found, too, that the metropolitan districts had petitioned in favour of retaining the Palace.

The House *divided* :—Ayes 75; Noes 47: Majority 28.

List of the Ayes.

Adderley, C. B.
Alcock, T.
Anstey, T. C.
Bagshaw, J.
Barrow, W. H.
Bass, M. T.
Bell, J.
Bellew, R. M.
Blackstone, W. S.
Booth, Sir R. G.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Bunbury, E. H.
Buxton, Sir E. N.
Carter, J. B.
Chaplin, W. J.
Child, S.
Clay, J.
Clay, Sir W.
Colebrooke, Sir T. E.
Cowper, hon. W. F.
Craig, Sir W. G.
Dawes, E.
Duncan, G.
Ebrington, Visct.
Egerton, W. T.
Ellis, J.
Evans, J.
Evelyn, W. J.
Ewart, W.
Forster, M.
Fox, W. J.
Fuller, A. E.
Geach, C.
Grosvenor, Earl
Hallewell, E. G.
Headlam, T. E.
Heathcoat, J.
Henry, A.
Hindley, C.
Hollond, R.
Hudson, G.
Johnstone, J.
Kershaw, J.
Knight, F. W.
Knox, hon. W. S.
Langston, J. H.
M'Gregor, J.
Mahon, The O'Gorman
Matheson, Col.
Maxwell, hon. J. P.
Moffatt, G.
Morris, D.
O'Brien, J.
Pilkington, J.
Pinney, W.
Rich, H.
Rumbold, C. E.
Salwey, Col.
Sandars, G.
Scobell, Capt.
Scrope, G. P.
Smith, J. B.
Stanford, J. F.
Tennent, R. J.
Thompson, Col.
Thompson, G.
Thornely, T.
Villiers, hon. C.
Walmsley, Sir J.
Watkins, Col. L.
Willcox, B. M.
Williams, W.
Wilson, J.

TELLERS.

Heywood, J.
Wakley, T.

List of the Noes.

Armstrong, R. B.
Bankes, G.
Bouverie, hon. E. P.
Boyle, hon. Col.

Bramston, T. W.
Clements, hon. C. S.
Cocks, T. S.
Coles, H. B.
Cubitt, W.
Dawson, hon. T. V.
Denison, J. E.
Dick, Q.
Douro, Marq. of
Dundas, rt. hon. Sir D.
Edwards, H.
Elliot, hon. J. E.
Estcourt, J. B. B.
Fox, S. W. L.
French, F.
Goulburn, rt. hon. H.
Greene, J.
Hanmer, Sir J.
Hayter, rt. hon. W. G.
Hodges, T. L.
Inglis, Sir R. H.
Jocelyn, Visct.
Knox, Col.
Lennard, T. B.
Lewis, G. C.
Lushington, C.
Martin, J.
Masterman, J.
Melgund, Visct.
Mullings, J. R.
O'Brien, Sir L.
Parker, J.
Reid, Col.
Richards, R.
Seymour, Lord
Sibthorp, Col.
Spooner, R.
Stuart, Lord J.
Stuart, J.
Wigram, L. T.
Wood, Sir W. P.
Wynn, R. W. W.
Young, G. F.

TELLERS.

Baring, H. B.
Grey, R. W.

TRANSPORTATION TO VAN DIEMEN'S LAND.

MR. CHISHOLM ANSTEY begged, pursuant to notice, to call the attention of the House to the petition from the native-born colonists of Van Diemen's Land, presented on Monday, the 16th of June last. It was admitted that the people of Van Diemen's Land were desirous that transportation to that colony should cease, and that its moral, social, and commercial condition had been entirely ruined by the continuance of transportation. The recent speech of the hon. Baronet the Member for Southwark (Sir W. Molesworth) on that subject, had removed the necessity for his going into the question at any length. That speech was unanswerable, and would be read with deep interest in all the Australian colonies. It was not denied that Sir William Denison had promised that transportation should cease in the space of two years, but that pledge had been broken. Since the last debate on this subject, upwards of 200 persons in Van Diemen's Land had requested him to take charge of their petition, and to call attention to its contents. At that period of the night and of the Session, and in the present temper of the House, he should, he thought, be betraying, instead of discharging, the trust reposed in him, if he entered into the causes of the complaints from Van Diemen's Land, or the colonies in general. He thought he should best redeem his pledge by calling attention to the allegation in this petition. Having done so, he would resume his seat, and take an opportunity in the ensuing Session to do more justice than he could then do to the complaints of those persons whose representative he felt himself to be. The petition was from colonists who were all natives of Van Diemen's Land. They referred to petitions on the table which had been reprinted by order of the House, and they said that those petitions, and the correspondence to which they had given rise, established the fact, that the deplorable condition of Van Diemen's Land, in a moral, social, commercial, and political point of view, was solely attributable, and attributed by the officers of the Government themselves, to the present system of transportation. The petitioners said theirs was a peculiar case, and unlike the case of those who emigrated. They were born in the country, received their education there, and derived their opinions from local experience alone; and they argued that the evils they complained of were of a peculiar character, because they had no personal experience to appeal to on behalf of the Imperial Government, whose protection they never felt, and only knew as an oppressor. They said they had suffered in their worldly circumstances from the acts of perfidy of the Government in a manner that other colonists had not suffered, for other colonists had the option of leaving the island and getting employment elsewhere ; but when the petitioners left it to seek in another colony what was denied them in the country of their birth, their hopes were extinguished—their applications for employment were rejected, and they had been obliged, in despite of themselves, to return to the country of their birth, because they found every other place barred against them. They said they claimed but justice from Parliament, and prayed that transportation to Australia and Van Diemen's Land might cease for ever.

Notice taken that Forty Members were not present ; House counted ; and Forty Members not being present,

The House was adjourned at a quarter before Eleven of the clock.

HOUSE OF LORDS,

Wednesday, July 30, 1851.

MINUTES.] PUBLIC BILLS.—1ª Coalwhippers (Port of London) ; Steam Navigation.
2ª New Forest Deer Removal, &c.
Reported. — Ecclesiastical Property Valuation Ireland) ; Poor Relief Act Continuance.
3ª Militia Pay ; Soap Duties.

Their Lordships met, and having gone through the business on the paper,

House adjourned till To-morrow.

HOUSE OF COMMONS,

Wednesday, July 30, 1851.

MINUTES.] PUBLIC BILLS.—1° Episcopal and Capitular Estates Management (No. 2); Chimney Sweepers Regulation Act Amendment; General Board of Health (No. 4); Canterbury Association.

3ª Coalwhippers (Port of London); Steam Navigation.

CHURCH BUILDING ACTS AMENDMENT BILL.

Order for Committee read.

House in Committee.

Clause 1.

MR. ALCOCK said, that while he confessed that this Bill was greatly improved by the abandonment of the attempt to convert free sittings into pews, which was conspicuous in its first draft, he must express his regret that the question of Church Rates had not been disposed of in a more satisfactory manner. As the law now stood, district churches were exempted from paying church rates to the mother church after they had been in existence for twenty years; but with regard to consolidated chapelries, the law was very questionable. Consolidated chapelries were districts formed out of two or more adjacent parishes which lay at at a great distance from the mother church; and he could have wished their exemption from church rates had been made by this Bill settled on the same footing as a district church formed out of one parish only. This Bill was confessedly founded upon a Report of a Commission appointed to inquire into the subdivision of parishes; and he regretted that the noble Lord at the head of the Government should not have adopted the most important suggestion in that Report, namely, that which related to livings in the gift of the Lord Chancellor. The noble Lord had assigned as his reason for not adopting that suggestion, that he did not think it advisable to give up so great a public trust. He (Mr. Alcock), however, believed that there was not a man in England who would have accused the noble Lord of an abandonment of a public trust if he had carried into effect the suggestion of the Report with regard to the sale of those livings. If those livings, which now were more than 800 in number, were disposed of gradually by private contract — not, be it remarked, by public auction—to which much just and proper opposition was raised—an amount of money would be derived, which, placed in a common fund, would have enabled the noble Lord to have carried out the other suggestion of the Commission, namely, to raise the 330 small livings under 200*l.* a year, up to that sum. There were, besides, upwards of 300 parishes in which no parsonage houses existed at all—an anomaly which the noble Lord, by the fund derived from the sale of these livings, would be able, in some degree, also to remove. He would also suggest that something ought to be done out of this common fund in reference to the forty livings in the gift of the Lord Chancellor. There were ten of these parishes in which the population was very considerable indeed. He would mention only one. The parish of St. George the Martyr, in Southwark, contained 52,000 inhabitants. There was but one single church to which that 52,000 of population was attached. There was one rector, with a fixed income of 400*l.*, and 80*l.* in lieu of a parsonage, and out of that he had to provide for three curates. He (Mr. Alcock) thought the noble Lord would pause a little before he again stated that it would be giving up a great public trust to alter such a state of things as that. What was the value of the livings at the disposal of the Lord Chancellor? He had no hesitation in saying that it was at least 1,000,000*l.* He had made a calculation himself, and it would take 400,000*l.* to raise those 330 livings to an annual value of 200*l.* a year. It would take 300,000*l.* to give anything like an appreciable assistance towards erecting parsonages in parishes where now there were none; and it would take 50,000*l.* at that moment to build two new churches, and endow them as they ought to be, in the parish of St. George the Martyr, in Southwark. It was a most disgraceful thing to this country and to Parliament, that within two miles of the place in which the latter was now sitting, there was a population of 52,000 with only one church. No wonder that in that parish there should be a spot infamous for centuries as the nursery and abode of crime. The Mint had for nearly three centuries been notorious, and it was still notorious, for crime; and it was an established fact that half the criminals executed at Newgate came out of the parish of St. George the Martyr, Southwark. [*Cries of* "Hear, hear!"]

The CHAIRMAN said, he must call the hon. Member to order, on the ground that he was discussing a principle which bore no reference whatever to the nature of the clause, which was to authorise the Commissioners to allot certain sittings to the poor of the parish.

MR. ALCOCK bowed to the decision of the Chairman; but in his justification he must plead the difficulty he had found in stating these facts on previous occasions. He begged to disclaim any unkind feeling in making the observations that had fallen from him towards the Lord Chancellor, or the noble Lord (Lord John Russell). He trusted, however, that he might be allowed to express a hope that the noble Lord and the Government would think well upon this subject before another Session.

MR. HENLEY said, that no doubt the Bill in its present form was a great deal better than when it came down from the House of Lords; but he thought this clause still required further guarding. A great many persons in this country had given money to build churches on the faith that a certain number of the sittings should be free; but this Bill proposed to give to two parties entirely unconnected with the parish, the Church Commissioners, and the Bishop of the diocese, the power to undo the whole of that arrangement, without the assent of the inhabitants of the district who were concerned in the matter. Now he thought that no alteration should be made except upon some application of the inhabitants of the district, made through the churchwardens, or whatever might be the proper mode; and he wished to know whether the Government would object to the introduction into the clause, on bringing up the Report, of words which would effect this object.

LORD JOHN RUSSELL said, that the clause allowed the Church Commissioners, with thea ssent of the Bishop of the Diocese, to say that a certain portion of the free seats should be allotted to the accommodation of a certain portion of the inhabitants who were regular attendants at the church, without any payment whatever. But if the churchwardens, to whom the order of the Commissioners would be addressed, did not allot them, there would be no alteration whatever. Nor in fact, if they allotted them without payment, would there be any alteration in the present state of things. It would be very convenient that the inhabitants, being regular attendants at church, should have regular seats to resort to, and should not be subject to the inconvenience of having to look for seats.

The CHANCELLOR OF THE EXCHEQUER would suggest that probably it would suit the views of the hon. Member for Oxfordshire (Mr. Henley) if the clause were altered so as to set out that the Commissioners might, if they thought fit, by an order under their common seal, and with the consent of the Bishop of the diocese, authorise the churchwardens to set apart and allot a certain portion of the free seats amongst the poor inhabitants of the parish.

MR. SPOONER was in favour of the suggestion of the right hon. Gentleman, which he thought would greatly improve the Bill.

The MARQUESS of BLANDFORD said, that the main objection which had been urged against the Bill on its introduction, had been that it imposed rents upon sittings which were at present free. In those objections he had himself fully agreed; but he believed that they would be entirely obviated by the clause as it now stood, which proposed to reserve seats for the poor but regular church-goers, without any payment whatever.

MR. HENLEY thought, that if, under this clause, the Commissioners ordered the churchwardens to allot a certain portion of the free seats, they would feel it imperative upon them, and would indeed be compellable by the Bishop, to do so. He thought it a good principle that these seats should be apportioned; but at the same time, if district churches had been built upon the express understanding that the seats should be free, he contended that, in those districts, the inhabitants, who were the parties interested, should have a voice as to whether they wished the alteration to be made or not. No doubt, in ninety-nine cases out of one hundred, they would avail themselves of the power.

MR. HENRY DRUMMOND said, that if, as had been stated, there was an implied understanding with the subscribers to funds for building churches, that a certain number of seats should be and continue free, there was equally an understanding implied in the very existence of an Established Church that it should be for the body of the people, and altogether free. There was a great deal in this Bill relating, so to speak, to the interests of the Commissioners, and of the Bishops, and of the churchwardens, but not one word as to the interests of the body of the people. If there were any implied understanding between the persons who had subscribed to build these churches as to free seats, it ought to be strictly carried out. The hon. Member for Oxfordshire (Mr. Henley) said, the Bill was improved since it came down from the House of Lords; but the truth was, that the Bill came down from the House of Lords in such a shameful state that not a man could be found in that House who would take charge of it. He could not agree with the explanation of the noble Lord (the Marquess of Blandford), which sounded very much as if it came from the Ecclesiastical Commissioners themselves. By the present system, which excluded the people from the churches, and which had gone on for 150 years, they had forced the people to become either heathens or Dissenters; and it was to their ill management in this way that so many were no longer members of the Church of England. The same spirit of laziness which had filled our parish churches with velvet cushions and luxurious pews, and turned them into places for the rich only, had lumped the four services of the Church into one, and fixed that amalgamated service at an hour when the poor could not attend. The service was originally divided into "matins," "litany," "sermon," and "communion;" and in the Universities that plan was still kept up, and until lately, at one cathedral, that of Worcester, if he remembered rightly. But the bishop had said, that instead of the services being thus distributed over the day, at some portion of which the poor could attend, he would have them all lumped into one, and that had been done. He objected to the clause altogether, as sanctioning a principle which ought never to have been allowed to creep in.

Captain SCOBELL said, that the result of this clause might be, that, under the patronage of the churchwardens, a large portion of the seats might be occupied by what were called usual church-goers, some of whom did not come to church on account of weather, sickness, or some other cause; and yet these seats must remain vacant during the service. If it was provided that the seats should only be reserved for them up to the commencement of the service, there would be some reason for that. He feared that after a time they would see a door hanging at the end of the free seat, and the people who then occupied it would call it a pew, and the whole principle of free seats would thus be undermined.

The SOLICITOR GENERAL said, that he thought the agreement made with parties who had subscribed money to build a church, that a certain portion of the seats should be free, would not be contravened by the present clause. The object of a person giving his money on these conditions was not that the seats should be occupied by any particular parties, but that they should be occupied by the poor of the parish without the payment of any rent. Now, that object was secured by the present clause, which authorised the churchwardens to allot the seats to the "poor" inhabitants only; and if a person who did not properly come under that description, had a seat allotted to him, he (the Solicitor General) had no doubt that the Bishop would interfere to remedy the abuse. Any one who knew anything of the habits of the poor, knew that they would feel it a great comfort to know, on entering a church, where they were to sit. He thought that the Amendment of his right hon. Friend the Chancellor of the Exchequer would meet the objections of the hon. Member for Oxfordshire (Mr. Henley). With regard to keeping the seats empty after service had begun, no person had a right to do so, whether they were paid for or not. He knew a case in which a person holding a pew in a church, objected to having any persons admitted into his pew, and used to put a padlock upon the door, and come himself after the service had begun. The clergyman, however, had the padlock taken off, and put persons into the pew when it was empty at the commencement of service, and he was upheld by the courts in that course.

Sir JOHN DUCKWORTH said, that he did not think that the clause had been justified by the arguments which had been brought forward in its favour. He was aware that in the present state of society, it was impossible that all seats, in both old and new churches, should be made absolutely free and open to all; but he thought it would be for the benefit of the Church that they should move in that direction, and, as much as possible, make the seats free, instead of limiting them to the occupation of particular persons.

Lord JOHN RUSSELL said, that in old parish churches, all persons, labourers and others, coming regularly to church, were accustomed regularly to occupy the same free seats. Now the object was, that in the new churches the churchwardens should have the power to say that a certain number of the regular attendants on divine worship should have the same convenience which was enjoyed by the parishioners attending old parish churches. Old and infirm people were driven from church if they were not sure of having a seat. There were, no doubt, some faults in the wording of the clause; but his right hon. Friend the Chancellor of the Exchequer had suggested one Amendment, and others could be made on bringing up the Report.

Mr. HENLEY said, that the argument of the noble Lord might be a sound one if there were sufficient church accommodation, which there was not. Parties would be prevented from coming to church if they knew that a certain portion of the seats were allotted, although they might not be occupied.

Sir BENJAMIN HALL thought the Clause should be postponed. When they heard so much of spiritual destitution, it would be better, especially in the metropolitan districts, where there was great want of church accommodation, to say that the pews should be thrown open indifferently to all parties coming to church. In many churches in the metropolis there was no accommodation whatever for the poor. For instance, in St. James's Church there was no accommodation whatever for the poor, but every part was taken up by close pews. Although a person might go into a pew which was not filled at the beginning of the service, yet people did not like to do so, for fear they might be turned out. He thought they should pass a law by which the seats should be thrown open equally to the rich and the poor; for so long as the Church was connected with the State, it was bound to provide accommodation for the one as well as for the other, and not for the rich alone.

Captain SCOBELL thought that this clause, at all events, should not apply to churches which had been already built. At the church which he attended there was a board exhibited on the walls, stating that half the seats were to be free and unappropriated for ever. He thought the present clause was not only a step in the wrong direction, but was an undoing of what had been done. He was told that hundreds of thousands of free seats would be affected by this clause, which would operate as a breach of the promise that they should be free and unappropriated for ever.

Lord JOHN RUSSELL said, he had no objection to expunge the clause if it was disapproved of by the Committee.

Mr. GLADSTONE said, that boards of the kind described by the hon. and gallant Member for Bath (Captain Scobell), were put up in almost every church where there were free sittings; but he thought that the meaning of the word "unappropriated" on them applied only to permanent appropriation, and did not extend to what would really only be a temporary allocation. The meaning was that no rents were to be paid for the seats, and that they were not to become the property of the holders. The term "appropriation" in the clause did not very well express what was meant, for allowing a person to occupy a seat for a certain time, his occupation being then to terminate, was not to appropriate it. Although he wished that this power should be exercised with great caution, yet he thought that such were the habits of the people in many parts of the kingdom (he did not say universally) that they would have a much greater willingness to attend the ordinances of the Church if this occupation, or whatever it was called, were allowed them; and under these circumstances he thought the object contemplated by the Clause was a good one.

Sir EDWARD BUXTON suggested, that the clause should be deferred, and be considered again at a subsequent period.

Lord JOHN RUSSELL thought it better to strike out the clause then.

Clause *struck out.*

Clauses 2 to 7, inclusive, *agreed to.*

Clause 8, provides that the right of patronage shall be conferred on the person who endows the Church, as therein directed.

Mr. HENLEY wished to know if it were intended that the church should be built by the person who endows it?

The SOLICITOR GENERAL: Whether it be built by a party or not, he may endow it.

Mr. HENLEY would ask if the hon. and learned Gentleman did not perceive that this would raise a very large question. Many churches were now endowed to a certain extent, perhaps 40*l.* or 50*l.* a year, and this clause would permit another party to come in on giving a further endowment to claim the patronage. He did not think that was the intention of the clause, and he hoped measures would be taken to guard against it.

Mr. GLADSTONE wished to know what was the meaning of the word "body" in the clause? He apprehended it was not intended to be a body corporate, for further on in the clause it spoke of his heirs or successors and assigns.

The SOLICITOR GENERAL said, the word "body" was intended to include any body politic, corporate, or collegiate, or any corporation, aggregate or sole, as well as one individual.

Clause *agreed to.*

Clause 9.

MR. HEADLAM moved the omission of the first paragraph of the clause, namely—

> "The exemption from the provisions of the Mortmain Acts, and the restriction applicable to such exemption, contained in the Act of the third and fourth years of Her Majesty, shall be applicable to any endowment, or grant, or conveyance, for the purpose of a repair fund of any such church or building;"—

and if his Amendment were carried, he would then propose that the following words be added:—

> "Providing always, that nothing herein contained shall give validity to any endowment that would be void under the provisions of the Mortmain Act."

Amendment proposed, in page 5, line 19, to leave out from the word "the" to the word "said" in line 24.

The SOLICITOR GENERAL said, that having made arrangements for the building and repairs of a church, it was but reasonable to make corresponding arrangements for the endowment.

MR. HENRY DRUMMOND thought the answer the hon. and learned Solicitor General had given was not correct. He considered that it was objectionable to introduce a clause of this kind until they made some general law relating to Mortmain.

Question put, "That the words proposed to be left out stand part of the clause."

The Committee *divided*:— Ayes 49; Noes 19: Majority 30.

Clause *agreed to;* as were also Clauses 10 to 28, inclusive.

Clause 29 (providing for the repairs of district churches),

MR. MULLINGS said, that in many parishes there were funds appropriated and vested in trustees and other persons for the repairs of the parish church. Where there was a district church in the parish, was a portion of it to be given for the maintenance of such district church?

The SOLICITOR GENERAL said, that wherever a fund was provided for a parish church, it must be under some charitable trust; in that case they should be altering the Charitable Trusts Acts by interfering with it.

The MARQUESS of BLANDFORD said, he wished to know why a clause which appeared in a former draught of the Bill empowering persons to surrender their right of patronage, with or without consideration, was omitted?

The SOLICITOR GENERAL said, that giving a husband the power of surrendering his wife's rights of patronage, with or without consideration, was giving an extraordinary power. The same remark applied to rights of patronage in the hands of guardians or trustees. One could understand that power might be given to sell rights of patronage for a valuable consideration, but not that husbands, guardians, or trustees should be empowered to make a present of such rights of patronage.

The MARQUESS of BLANDFORD would suggest that the clause to which he referred might be retained, so far as regarded bodies politic and those parties who did not come under the exceptions to which the hon. and learned Gentleman had alluded.

The CHANCELLOR OF THE EXCHEQUER said, that an attempt had been made to amend the clause, but it had not been found practicable to frame it so as to avoid the difficulties which had been stated.

Clause *agreed to.*

MR. FREWEN said, he now would bring before the Committee the clause of which he had given notice. There were many cases throughout the kingdom where churches had got into a dilapidated state, and when a new incumbent was appointed he came to the old church-yard, and performed service amongst the ruins of what was originally the church; he was regularly inducted as incumbent of the parish, he received a respectable income, and never came near the parish afterwards. There were a considerable number of those cases, as appeared by the returns; but there were several dioceses that did not make any returns whatever. That was a question on which that House ought to legislate, for the purpose of correcting so great an abuse. He thought that when a parish became vacant, with a church in a dilapidated state, no new clergyman should be appointed until a new church was built, and the remedy he proposed was, that the Bishop of the diocese should license a room for service, and then a new incumbent should be appointed; but it was an improper use of the revenues of the Church to apply several hundreds a year in payment of a clergyman who performed no parochial duties whatever.

Clause—

"That upon the next avoidance of any Benefice, which has no Church or Chapel belonging to it, and which has a population of forty persons, or upwards of forty persons, and which has not been united to any other Benefice or Benefices by order of Her Majesty in Council, the said Benefice shall remain and continue void until a Church or Chapel is built wherein Divine Service shall be performed; and the fees and emoluments arising from the said Benefice shall from time to time, whilst it is void, be paid over to the Archbishop or Bishop of the Diocese, who, together with the Archdeacon of the Archdeaconry, and Patron or Patrons of the said Benefice, shall act as trustees for the receipt of the said fees and emoluments, which shall be appropriated by the said trustees for the purpose of building or assisting to build a Church or Chapel for the said Benefice; and as soon as such Church or Chapel has been consecrated or licensed for divine worship by the Archbishop or Bishop of the Diocese, then it shall be lawful for the Patron or Patrons to present a spiritual person to the said Benefice, who shall enjoy all the rights, fees, and emoluments, and perform all the duties appertaining thereto, and who shall be under the same ecclesiastical control and authority as any other Incumbent in the same Diocese: Provided always, that if the said Archbishop or Bishop shall license any room in the said parish for Divine Service, then it shall be lawful for the Patron or Patrons to present a spiritual person to the said Benefice, who shall perform all the duties appertaining thereto, and who shall be under the same ecclesiastical control and authority as any other Incumbent."

Brought up, and read 1°.

The SOLICITOR GENERAL said, he objected to the Clause, because the subject-matter of it was hardly consistent with the nature of the Bill; but, independent of that, in point of principle there was an objection to the clause. It provides that where there are forty persons or upwards residing in a parish where there is no church, they are to have no clergyman. He did not think that was desirable. The church of the parish of Limehouse was at this present time in ruins, and there was no money to build a new one; but it would be inexpedient to say there should be no clergyman in the parish of Limehouse until they accumulated out of his income the funds that would be sufficient to build a church, or until they hired a room. There was an objection also to performing the ceremonies of the church in a room; they would have to wait a considerable number of years before they could build a church, and it was not desirable that all the ceremonies of the Church should be performed in an unconsecrated place.

MR. MULLINGS would be glad if the clause came within the scope of the Bill, and if it could be carried. There was in Wiltshire a parish that he was acquainted with that had no church whatever; within two miles there was an adjoining parish, and the inhabitants of the parish where there was no church went to that adjoining parish that had a church. Until the present incumbent, all that the clergyman of that parish received was 10*l*. a year for doing the whole of the duty, though the income of the parish where there was no church was 300*l*. a year. Only 10*l*. was paid until the present bishop raised it to 50*l*.

The CHANCELLOR OF THE EXCHEQUER: The Clause is clearly not in accordance with the title of the Bill, and ought not to be adopted.

SIR GEORGE PECHELL apprehended that the Chairman had not given his opinion as to whether the Clause came within the scope of the Bill.

The CHAIRMAN: I beg pardon, I intimated a doubt. This is an Act to amend nineteen or twenty Acts respecting Church buildings, and it is impossible for me to say what clauses are contained in all those Acts.

MR. SPOONER said, that several of the clauses in those Acts were to promote the building of churches, therefore this Clause came within the scope of the Bill.

MR. GOULBURN thought the abuse complained of was a gross one, and that the incumbent should be obliged to reside within the parish. He could not approve of a proposition for raising a fund for the building of a church by the accumulation of the revenues of the parish, because it might take the income for ten years to produce the necessary funds, and by acting on the proposition they would deprive the inhabitants during that period of all spiritual instruction. If they did that, what would be the state of the parish when they came to build the church? The better way of meeting the evil would be to compel the incumbent to reside on the living, though he had no church; and it had been found, that where a clergyman was planted in a district, he would sooner or later obtain a church; he was therefore adverse to the clause.

MR. FREWEN begged the right hon. Gentleman the Chancellor of the Exchequer to look to the words of the clause, "for the purpose of building, or assisting to build." He presumed that where those flagrant cases occurred, grants would would be given by the Incorporated Society for Building Churches to erect churches in such parishes.

Motion made, and Question put, "That the Clause be read a Second Time."

The Committee *divided*:—Ayes 40; Noes 37: Majority 3.

On the Question, "That the Clause stand part of the Bill,"

The SOLICITOR GENERAL said, he must oppose the proposition. Let them suppose a case where a church in a large parish was destroyed by chance, and he would ask, must that parish remain without a clergyman to officiate in it until the funds arising from the income of the living were sufficient to build a church? In a passage in a late author it was said that cities did not consist of walls and buildings, but of the men who lived in them; and that observation applied to the Church—the spiritual edifices did not consist of the walls and buildings, but of the spiritual instruction of the people; and by this clause they would withdraw the spiritual instruction for several years. That, as he said before, was a strong objection in the first instance. In the next instance, there was a strong objection to performing the offices of the Church in an unconsecrated building, though he did not expect hon. Gentlemen who were not members of the Church to follow him in that objection. If that was now to be done, it would be introducing a new arrangement into the practice of the Church, and one that he considered most detrimental to the interests of the Church. He also objected to the clause on the ground that its effect would be to vest all the livings in question in the Crown.

MR. SPOONER would support the clause, on the ground that the principle it sought to establish was to prevent the possibility of any part of the people in any parish continuing destitute of spiritual instruction, whilst the incumbent lived at a considerable distance from them, and received notwithstanding the emoluments of the living. It was the object of the clause to put a stop to an inconvenience which was very much to be regretted, though he thought some better mode of carrying it out might be adopted.

MR. COLLINS said, it struck him that the Committee could hardly be aware of the scope which this clause would have. It would have a much wider scope than some hon. Members seemed to suppose. The case of Limehouse had been mentioned. If the incumbent of Limehouse were to die whilst the parish church continued in its present ruinous condition, instead of a new church being built, there would be no funds with which to build it, and the parishioners would want the ministrations of a clergyman of the Established Church for some indefinite period. The church would have to remain in its present state until funds sufficient to restore it had accumulated. Surely it could never be the object of the promoters of this clause to say that whenever the incumbent of a parish died at a time when there was no church in existence in the parish, the fees and emoluments of the living should lapse to the Crown.

MR. GLADSTONE said, while hon. Members had been disputing and dividing, they really meant very nearly the same thing. He was afraid it would be difficult to make a good arrangement on this subject in the present Bill; though the Committee was certainly much indebted to the hon. Member for Cirencester (Mr. Mullings) for having called their attention to such a gross and crying evil. He (Mr. Gladstone) thought it was the dissatisfaction which the Committee felt at the existence of such an abuse passing by without remedy, that led to the vote at which they had just arrived. If the facts were as stated by the hon. Gentleman, and if it were also true that a bishop had no power to compel residence in this case— [An Hon. MEMBER: A bishop has the power.] Well, then, the first question that arose was, why the bishop did not compel that residence. Such cases as that of Limehouse, to which the hon. and learned Solicitor General had referred, where there might be no church by reason of an accident, ought not to be brought within the scope of any clause such as that which had been proposed by the hon. Gentleman (Mr. Frewen). If they wished to exclude that class of cases where there was no church or chapel on account of such an accident, instead of saying "which has no church or chapel," it might be effected by saying, "which has no church or chapel for so many years," stating a term of years. He thought that would effectually exclude the case of the destruction of a parish church merely by accident. The fatal fault of the clause was the dissolution of the spiritual tie which it would involve—the breaking up of the cure of souls. To break up the cure of souls was really the worst remedy they could adopt, if the proposal could be made in any provision of that nature. What he would suggest was this: where there had been no church or chapel for so many years, in any such case the bishop should have the power to allot a certain portion of the revenues for the maintenance of the clergyman, as a temporary arrangement, and that the surplus of those revenues should be available for such a purpose as the hon. Gentleman (Mr. Frewen) proposed. He (Mr. Gladstone) thought that such a proposal as that might very fairly deserve the consideration of the Committee. It appeared to him the question was one which required a good deal of consideration. Perhaps his hon. Friend (Mr. Frewen) would allow the clause to be negatived at present, and hold the matter over for further consideration.

MR. FREWEN said, he had placed his clauses upon the paper the very first day immediately after Whitsuntide. He did not suppose such a case would ever happen as the avoidance of a benefice and the destruction of a church at the same time. Was he to be told that there was no chapel in the parish of Limehouse? He was told, on the contrary, there were several places of worship in that parish, and in that case his clauses would not apply.

LORD JOHN RUSSELL said, the case which had been mentioned by the hon. Member for Cirencester (Mr. Mullings) was certainly a very gross one. The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) had proposed two very important limitations on the principle of the clause as proposed by the hon. Gentleman (Mr. Frewen). The one was, that it should not apply where a church happened to be destroyed a short time before the avoidance of the living. That was one limitation which was very important, and would prevent such a case as that of Limehouse coming within it. The other was a most essential one, which was, that there should not be an interruption of the performance of the duties, and that the cure of souls should continue to be performed; but that in such cases the income should be allotted partly to the maintenance of the clergyman, and partly to form a fund for building a church. He should not have objected to a clause of that nature, supposing there was no exception to it in the point of form. Of course, in that case, the clause ought to be carefully framed.

SIR JOHN DUCKWORTH said, it was no doubt unfortunate for the parishioners of any place where they were not provided with a church; but the principal objection was where there was a non-resident clergyman. He thought the efforts of the hon. Gentleman (Mr. Frewen) should be directed against non-resident clergymen, and against an appropriation of the funds in such a case by the clergyman. But his (Sir J. Duckworth's) objection was, that the hon. Gentleman took the funds which were strictly appropriated for the maintenance of the clergyman, and applied those funds improperly, as he (Sir J. Duckworth) thought, under this provision, to the maintenance or erection of a church.

MR. FREWEN begged to ask the noble Lord (Lord John Russell) if he would agree that a clause such as the one he had just brought forward should be brought up, and added to the Bill on the bringing up of the Report?

LORD JOHN RUSSELL said, he had no objection, if such a clause were proposed by the right hon. Gentleman the Member for the University of Oxford, and provided Mr. Speaker took no exception to it in point of form.

Clause *negatived.*

MR. FREWEN then proposed the addition of two other clauses; but on the intimation of the chairman that the clauses were without the purview of the Bill, he said, under those circumstances he would not press them.

Preamble *agreed to.*

House resumed.

Bill reported as amended.

PETTY SESSIONS (IRELAND) BILL.

Order for Committee read.

House in Committee.

Clause 1.

MR. TORRENS M'CULLAGH said, that as this Bill had hitherto progressed *sub silentio*, it was necessary now to test the Committee as to whether it should be further proceeded with. In the year 1827 an Act was passed depriving magistrates in all cases from acting alone; and if it were necessary to pass such an Act then, it was still more essential now. There had been various departures from the principle of that Bill until, by the 10th Clause of the present measure, it was proposed that one magistrate should adjudicate summarily in all cases. In 1834, there were 15,000 persons in Dundalk, 1,447 of whom were members of the Church of England, and 13,740 Roman Catholics and Dissenters. At present there was only one resident magistrate in the place, and neither the Roman Catholics nor the Dissenters had any person belonging to their creed in the commission of the peace. Would such a condition of things be permitted in England? He apprehended not: and what he complained of the Government was for exercising a system of exclusion in these matters, which exclusion consisted of one of class and one of creed. He deprecated the principle of conferring such extensive powers as this Bill proposed upon individual magistrates. The main objection, however, he took to the Bill was this—that it ran counter to the great principle propounded by Lord Plunkett, then Attorney General for Ireland, and Sir Robert Peel, in 1827, namely, that there should be more than one magistrate to hear cases and to adjudicate. He wished the House to adopt, as nearly as possible, the principle of the Act of 1827, on the ground that it was best adapted to the condition of Ireland. It was said, as a reason for passing this Bill, that in some districts of the country there were not sufficient resident gentry to be placed on the commission of the peace, and that the people were consequently inconvenienced by the want of facilities for obtaining justice. That might be so, perhaps, in the southern and western districts of Ireland; but that difficulty might have been met by the appointment of a stipendiary magistrate, with a circuit allotted to him which he might be able to traverse in a limited time. The appeal which was given by the Bill to the Quarter Sessions would be of practically little worth, seeing that the distance at which a large proportion of the people necessarily lived from the places of holding the Sessions would preclude them from availing themselves of it.

Colonel DUNNE said, he should support the Bill, because he considered it as being absolutely necessary in the present state of Ireland. Every magistrate, of course, wished for a colleague, if possible; but to his own knowledge the difficulty was sometimes so great as to amount to a practical denial of justice to the people. In that part of Ireland in which he resided he was frequently unable to procure a second magistrate to act with him, and he had often been requested in such a case to act as an arbitrator between persons who came before him, to avoid additional delay and expense. He submitted, if the Legislature gave the power to a magistrate to adjudicate summarily, they would confer no benefit on the magistrate himself, but they would grant a great boon to the people of Ireland. With respect to the suggestion of his hon. Friend (Mr. M'Cullagh) that stipendiary magistrates should be appointed in those parts of the country where it was difficult to find resident gentry to place on the commission of the peace, he (Colonel Dunne) was of opinion that the stipendiary magistrates were not so generally liked as the local magistrates, and that the people of Ireland would be unwilling to bear the expense attendant upon the appointment of such functionaries.

Clause *agreed to;* as were also Clauses 2 to 4 inclusive.

Clause 5.

Mr. HENLEY regretted that the principle of paying the petty sessions clerks by salaries instead of by fees was not adopted.

Sir WILLIAM SOMERVILLE had not lost sight of that principle, which he considered extremely important.

Amendment proposed, to leave out the word "Justices."

Question put, "That the word 'Justices' stand part of the Clause."

The Committee *divided:*—Ayes 53; Noes 13: Majority 40.

Clauses 6 to 9 were then *agreed to.*

Clause 10.

Mr. TORRENS M'CULLAGH moved the omission of Section 2, enabling one magistrate to adjudicate summarily in all cases.

Amendment proposed in page 9 to leave out "Section 2."

Sir WILLIAM SOMERVILLE considered that to insist upon two magistrates, would be to destroy the whole efficacy of the Bill. Various Acts had already granted summary jurisdiction to a single magistrate in many cases. The extensive power of appeal provided met every objection.

Mr. ROCHE would support the Amendment of the hon. Member for Dundalk. He (Mr. Roche) had been three years endeavouring to obtain the appointment of a friend in Queenstown to the commission of the peace, but could not succeed, in consequence of its being understood that he was connected with trade or business, though in reality he was not. As regarded stipendiary magistrates, he should say that they enjoyed the confidence of the people in the south of Ireland, and no act of the late Sir Robert Peel's was more popular than that which appointed them.

Mr. HATCHELL thought the objections which had been raised had been met by the argument of the right hon. Gentleman the Secretary for Ireland. There were several magistrates resident about the locality of Dundalk, who could attend if they wished; and therefore it was only dragged in to make a grievance.

Lord NAAS said, it appeared by the almanack that there were four magistrates, independent of a stipendiary magistrate, resident in the town of Dundalk.

Mr. TORRENS M'CULLAGH explained that the magistrates were described in the almanack as residing in the post town nearest to their residences, which would explain the mistake under which the noble Lord laboured.

Question put, "That 'Section 2' stand part of the Clause."

The Committee *divided*:—Ayes 49; Noes 13: Majority 36.

Clause *agreed to.*

House resumed; Committee report progress.

The House adjourned at two minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, July 31, 1851.

Minutes.] Public Bills. — 1ª Metropolitan Sewers; Coal Duties (London and Westminster and adjacent Counties).

2ª Battersea Park Amendment and Extension; Inverness Bridge (No. 2); Grand Jury Cess (Ireland); Court of Chancery and Judicial Committee; Medical Charities (Ireland).

Reported.—Consolidated Fund (Appropriation).

3ª Leasehold Tenure of Land (Ireland) Act Amendment; Stock in Trade; Charitable Trusts; Gunpowder Stores (Liverpool) Exemption Repeal; Ecclesiastical Property Valuation (Ireland); Poor Relief Act Continuance.

STOCK IN TRADE BILL.

Order of the Day for the Third Reading read.

Earl GRANVILLE moved that the Bill be now read 3ª.

The Earl of MALMESBURY said, that although he had no intention to oppose the third reading of this Bill, yet he could not allow it to pass *sub silentio*. He regretted that this had now become an annual Bill, whereas it was nominally only a temporary one. He thought it was the duty of Parliament and of the Government to make an effectual attempt to counteract the evils and abuses of the existing system of parochial assessment for the relief of the poor. There were two great evils connected with that system. The first was, that the burden of maintaining the poor fell almost entirely on real property; and more than half of the whole property of the country was exempted from that sacred duty, which ought to rest upon all classes of property equally. The second evil was, that between different persons assessed, there existed such inequalities in the mode of apportioning the burden, as to make the law odious as it stood at present, and a disgrace to the statute-book. All the recent remissions of taxation effected by the House of Commons also had gone to the relief of interests totally unconnected with agriculture; and many of those who still continued to reap the chief benefits of free trade and of the recent reduction, would be yet further relieved by the Bill; the third reading of which was under their Lordships' consideration at that moment. Her Majesty's Ministers had no excuse for not dealing with this question before. They had had sufficient time to propose those great alterations in the existing law of parochial assessment which were so imperatively required. In the early part of the Session, the noble Earl the Secretary of State for the Colonies had promised that a Bill for the reform of the law of parochial assessment would come up from the other House; yet up to that hour no such measure had made its appearance. He did not now entertain any hope that such a measure would come up during the present Session; but he did trust that at an early period in the ensuing Session the Government would take steps to redeem the pledge given by the noble Earl; at least, he hoped the noble Earl would inform their Lordships whether there was yet any hope of their seeing this Bill, or whether the Government had given up the point? What was the position of those who had to bear the burden of the poor's rates? Since 1847 there had certainly been considerable diminution in that burden; nevertheless it was hopeless to expect a class whose property (to speak under the mark) had certainly been depreciated to the amount of 15 per cent, could continue to bear such a burden. In the year 1837, when the price of corn was exactly the same as it was last year, namely, 39*s.* per quarter, the whole expenditure of the kingdom on poor relief was 4,044,000*l.*, while in 1850 it had risen to 5,395,000*l.*, being 1,351,000*l.* more than the cost was thirteen years ago. Their Lordships could judge therefore whether, the persons being the same who paid in 1837 as paid now they could be equally able now as they were in the former year to bear a burden which was increasing annually upon them. For although, as he had said, since 1847 there had been a great decrease in the poor-relief expenditure, still since 1846 the number of paupers had increased by 40,000, the whole weight of that increased burden falling upon the shoulders of those who, since 1846, had had the value of their property so largely reduced. He therefore urged upon the Government the necessity for readjusting these parochial burdens, and if they undertook to settle it, nothing would more redound to their credit; and early next Session he hoped they would be prepared to deal with the great and difficult question of making the rates for the relief of the poor a national matter. He believed that they had men among them fit to cope with the question; yet if they were afraid to grapple with the main difficulty of the subject—which was the principle laid down as an axiom in the report of the Committee of their Lordships' House which sat on the question last year, as contemplated by the 43rd of Elizabeth, namely, that all classes of property ought to be made to contribute for the relief of the poor—he trusted that at least they would speedily deal with the other recommendations of the report of the Committee, respecting the assessment of railway property and of tithe-rent charges.

Earl GREY would endeavour to give his noble Friend an answer to the question which he had asked, but must decline to enter upon a discussion of the various points which his noble Friend had mooted. Government had been ready to introduce a Bill on this subject during the whole of the present Session; but his noble Friend must be aware that such a Bill could not be introduced in that House, but must be introduced elsewhere. Owing to circumstances unfortunately but too well known, there was no opportunity of introducing such a Bill into the other House of Parliament with any prospect of passing it this Session; and that was the only reason for the delay which had occurred in its introduction. He could not hold out to his noble Friend any hope of a national assessment, for if the assessment were laid on the whole country, and not on parochial districts, the consequences would be very ruinous. Year after year the charge laid on landed property for the poor-rates had been undergoing diminution.

The Marquess of SALISBURY also expressed a hope that the Bill to be introduced next Session would not be one of a merely temporary character.

Earl GRANVILLE said, that this was not the time for entering into a discussion on the very abstruse and complicated subject to which the noble Earl had alluded; and the noble Earl must not be surprised if he declined following him into it at present.

On Question, *Resolved* in the *Affirmative;* Bill read 3ª accordingly; and *passed.*

COURT OF CHANCERY AND JUDICIAL COMMITTEE BILL.

Order of the Day for the Second Reading read.

The LORD CHANCELLOR moved that the Bill be now read 2ª. His Lordship said, that their Lordships were already fully aware of the nature of the Bill, from what had before occurred in the House upon it. In consequence of the increase of business in the Court of Chancery by reason of certain Acts of Parliament which had of late years been passed, and the consequent accumulation of business, arising chiefly out of the affairs of public companies, it became necessary to add to the judicial staff of the court. There was a considerable arrear of appeal business, both of that House and of the Court itself, arising out of the unfortunate indisposition of two of its inestimable Judges, and from other unfortunate circumstances; and it was most desirable to facilitate and expedite as much as possible the hearing of appeals, by providing means for an increased number of sittings in the Court of Chancery. It was, besides, much to be wished, that the individual who held the Great Seal, whoever he might be, should be enabled to devote more time to the appeal business of their Lordships' House. The means of effecting the proposed alterations had, it was true, given rise to much difference of opinion in the profession; but after the best consideration which the Government could give to the subject, they were of opinion that some such provisions as those contained in the present Bill were indispensable; and it had, he was happy to say, received almost universal approbation. The main object of the Bill was to establish a Court of Appeal, sitting separately or with the Lord Chancellor. The noble and learned Lord then adverted to the provisions of the Bill, which are, that two barristers of at least fifteen years' standing should be appointed Judges of the new Court of Appeal in Chancery—that this new Court should have the jurisdiction now exercised by the Lord Chancellor, statutory and otherwise—that the jurisdiction in bankruptcy, at present exercised by the Vice-Chancellor Knight Bruce, should be transferred to this new Court—that the decision of the majority of the Court was to bind, and if the Judges were equally divided in opinion, the decree or order appealed from must be affirmed, or re-heard by the full Court—that power of appeal should be given from the decrees of the new Court to the House of Lords—that one of the Judges so appointed, sitting with the Lord Chancellor, or both Judges sitting apart from him, should form the Court of Appeal; but that the Lord Chancellor sitting alone was to have co-ordinate jurisdiction with the Court of Appeal. The other provisions of the Bill went on to enact that the Lord Chancellor was to have the power of regulating the sittings and business of the Court of Appeal—that certain ministerial and other powers were to be reserved to the Lord Chancellor—that one of the Judges of the Court of Appeal might sit for the Master of the Rolls, or either of the Vice-Chancellors, during his temporary absence—that the Judges of the new Court were to be Members of the Judicial Committee of Privy Council—that three members of the Judicial Committee were to form a quorum—that the Equity Judges were to give their attendance in the House of Lords when required; and the Bill finally provided for the salaries of the Judges, namely, that the Lord Chancellor should have 10,000*l.* a year, the Master of the Rolls and each of the Judges of the Court of Appeal 6,000*l.* a year. A noble and learned Lord then in the House, whose opinion on any subject was always estimated highly, had already expressed his approbation of this Bill; and so had another noble and learned Lord, who had been obliged to leave the country from indisposition, and whose absence they all lamented. He believed that all the legal profession were satisfied with the Bill; and he therefore trusted that their Lordships would assent to it. He would avail himself of the present opportunity to correct an impression—or he should rather say, a misimpression—created by certain speeches and articles, that no attempt had been made of late years to improve the administration of justice in the Court of Chancery. Attention had been paid to that subject for more than twenty years, and improvements had been made in the administration of justice there to a great extent indeed. Few of their Lordships were aware of the multiplicity of suits, of the mass of property, and of the complicated interests of that mass of property, which came under the consideration of that Court. He would, therefore, enter into a short statement, in order that their Lordships might be apprised that those who had attended to the administration of justice in the Court of Chancery had not been inattentive to its improvement. In the year 1824 Lord Eldon, who then held the Great Seal, issued a commission to inquire into the state of business in that court, and appointed twenty or thirty Commissioners to conduct the inquiry. They were persons of great learning, and possessed every qualification that could render them fit for the duties which they had to discharge. For two years these Commissioners sat and inquired into the practice of the Court of Chancery, the result of their inquiries being an immense folio volume, containing a vast number of most valuable suggestions. In 1827 Lord Lyndhurst succeeded to the Great Seal, and his Lordship immediately took up the report of the Commissioners with a view to the carrying their recommendations into effect to the utmost possible extent. In 1828 the noble and learned Lord, after mature consultation with other Judges, issued a great many orders having for their purpose the expediting of business in the Court of Chancery, and the diminution of expense to the suitors; and the result of these orders was very materially to advance these most important objects. In 1830 an Act was passed known as Sugden's Act, the aim of which was to effect certain alterations in the jurisdiction of the Court of Chancery with relation to the commitment of persons for contempt, under the operation of which Act a number of individuals who had been imprisoned for contempt were discharged. In 1832 Lord Brougham became Chancellor, and in 1833 the noble and learned Lord issued a number of orders in furtherance of the objects which his predecessors had endeavoured to promote. Altogether, since the accession of Lord Lyndhurst to the Great Seal, no fewer than between 500 and 600 orders had been issued, all having for their object the practical improvement of the procedure, and the diminution of the expense of the Court of Chancery, 170 of them having been issued by Lord Lyndhurst, upwards of 100 by Lord Brougham, a considerable number by Lord Cottenham, and the remainder by himself. The Six Clerks' Office had been abolished, and many other useful reforms accomplished. In 1837 Lord Cottenham called the Equity Judges together, and with their aid, and more especially with the aid of Lord Langdale and Vice-Chancellor Wigram, promulgated a great number of useful orders. In 1840 there was another Act passed, having for its object the simplification of the practice of the Court of Chancery, and the diminution of cost to the suitors; and since that year several other statutes had been enacted to the same purpose. Since his own accession to office, his most diligent attention had been paid to the whole subject, and he had invited the counsel of a certain number of gentlemen of very high rank in their profession as lawyers, who had been for the last year assiduously inquiring into every point connected with the procedure and jurisdiction of the Court of Chancery; these Commissioners had, by the wish of the House of Commons, lately been joined by two eminent laymen (Sir James Graham and Mr. Henley), whose assistance would doubtless be of material value. From the combined deliberations of these gentlemen the most valuable suggestions might be expected. But at the same time he must remind their Lordships, that sweeping and wholesale alterations were not always the best, and that in a system of jurisprudence so large, so intricate, and so complicated, great caution must be exercised lest the effect of change might be—not improvement, but grievous detriment. He could promise, most conscientiously and heartily, that his own earnest attention should continue to be, as it had been, applied to the whole question, in the resolute purpose to do all that could be done to improve and expedite and cheapen the system of the Court over which he had the honour to preside. Were he to go into the details of what the series of orders of which he had spoken had done, their Lordships would be surprised at the result. Though much, no doubt, remained to be done, the complaint that as yet nothing had been done, was simply and ridiculously untrue. When he considered the enormously extended and infinitely complicated nature of the interests which the Court of Chancery had to administer, he was only amazed how much had been done towards the simplification of the procedure in so short a time. The former Commissioners had had their attention chiefly directed to the practice of the Court, but the present Commissioners were applying their inquiries and their consideration also to the jurisdiction of the Court.

The Earl of ABERDEEN said, that in consequence of a reference made by the noble and learned Lord to a noble and learned Friend of his (Lord Lyndhurst), he begged to state that his noble and learned Friend wished it to be known, that, although he approved of the Bill entirely as far as it went, he considered it a very small step in the right direction. He thought this not an unfit opportunity to say a few words on the subject of Scotch appeals. Their Lordships might be aware that two-thirds of the appeals which came before that House came from Scotland. Great satisfaction had been given by the manner in which those appeals had been dealt with; but at the same time it was, so to say, wonderful that such satisfaction should have been felt, considering that the law which noble and learned Lords administered had not been the subject of their early studies. Nevertheless the state of the appeals from Scotland could not be looked at with entire satisfaction. He believed that the whole history of those appeals was attended with some obscurity. The Articles of Union did not provide for their being heard in that House. He supposed that it was never intended to deprive the Scotch Courts of any right which they possessed formerly when the Scotch Parliament existed; but it should be remembered that the Scotch Parliament was very differently constituted from their Lordships' House. He knew that many changes had been introduced, and much light had been thrown upon Scotch law, by several of the Judges of England, especially by Lord Mansfield; but at the same time it was unsatisfactory that that law should be administered by persons who, in spite of the best intentions and the highest integrity, frequently entertained feelings somewhat at variance with that system of law which they were expounding. What would be said if a man had to appeal from the Courts of this country to the Parliament at Paris? and yet it was undoubtedly true that the French law was less removed in spirit and principle from the English law, than the law of this country wss from the Scotch law. There was one other point to which he wished to draw the attention of his noble Friend on the woolsack. Formerly it was the rule in English law that an appeal did not stop the execution of the sentence. That was not the case at present; but in Scotland an appeal did stop the execution of the sentence in very many cases, and that rule manifestly operated as an encouragement to appeals. He hoped that his noble and learned Friend would take this subject into consideration.

Lord CRANWORTH thought that the question of Scotch appeals was attended with so much difficulty that it would be well for their Lordships to deliberate well before they should attempt to make any alteration in that respect. He believed that the mode in which appeals from Scotland were disposed of in this country, gave satisfaction to the people of Scotland. The noble Lord had said that it was an anomaly that parties should be compelled to appeal to a Court which did not administer the law to which the appellants were subject. No doubt that did seem to be an anomaly; but it should be observed, that the questions which were daily brought before the ultimate Court of appeal in this country were not matters of every-day practice, but questions that almost invariably depended upon the general principles of law; and having practised before the Privy Council, his experience enabled him to assert, that the general principles of the laws of different nations differed very much less than at first sight it would be supposed. The Judicial Committee had to adjudicate upon questions involving ecclesiastical, admiralty, and civil law, the Code Napoleon, Dutch law, and, in short, every law existing throughout the earth; and yet his belief was that their decisions had given satisfaction. With reference to the measure before the House, he did not conceive that by any imaginable system could they make the administration of such complicated rights of property as those intrusted to the Court of Chancery very expeditious or very cheap; but still every one was bound to make it as expeditious and as cheap as possible. He was quite satisfied that his noble and learned Friend on the woolsack was earnestly applying his efforts to that purpose; and he could assure their Lordships that in that purpose his noble and learned Friend would be zealously aided by the other Equity Judges.

The LORD CHANCELLOR believed that the decisions on appeals from Scotland had given as much satisfaction as those upon English and Irish appeals. Attempts had, however, been frequently made to procure the assistance of a Scotch lawyer on the hearing of appeals from Scotland. During the last few weeks a deputation upon the subject had come from Scotland, and the opinions of the Faculty of Advocates had been submitted to the Government. The most obvious plan of meeting the evil complained of by the people of Scotland appeared to be to obtain the attendance of a Scotch Judge on the hearing of Scotch appeals; but the deputation said that Scotland could not spare a Judge for the purpose of attending Scotch appeals in London. The loss to Scotland would be greater than the gain. Then what was to be done? After giving their best attention to the subject, the deputation said that they had come to the conclusion that the most reasonable plan of remedying the evil complained of would be, to appoint a Scotch lawyer of eminence to some legal situation in this country which should be compatible with his attendance in their Lordships' House in cases of appeals from Scotland. But a gentleman so removed from the daily practice of Scotch Courts would not, in the course of some time after his appointment, be able to speak authoritatively upon questions of Scotch practice. The Government had therefore come to the conclusion not to adopt the suggestion of the deputation. Nevertheless the subject would continue to occupy the consideration of the Government. The greatest deliberation should be observed in making any alteration upon so important a question. With regard to the observations of the noble Earl as to the evils resulting from the law of Scotland which prevented the enforcement of judgments in cases of appeal to this country, he would make diligent inquiry into the matter, for the purpose of applying a remedy.

On Question, *Resolved* in the *Affirmative:* Bill read 2^a accordingly; Committee *Negatived;* and Bill to be read 3^a To-morrow.

THE METROPOLITAN INTERMENTS ACT.

Lord MONTEAGLE said, that in the course of last Session a Bill had passed the Legislature for the purpose of regulating metropolitan interments; the measure was deemed of such importance, that it was specially referred to by Her Majesty in the Speech from the Throne at the close of the Session; but as yet the Act had remained practically in abeyance, and he begged to put a question to his noble Friend (the Earl of Shaftesbury) respecting the delays which had occurred in putting this Act into operation. He was far from wishing to reproach his noble Friend, for he felt that the fault was not his. Fault, however, there must be somewhere; and he (Lord Monteagle) was, at all events, anxious to know whether the delay he complained of was likely to be of long continuance? It appeared from the late census that the increase in the population had been 405,000, so that its augmentation in ten years was greater than the total population either of St. Petersburgh or Vienna, Berlin or Madrid, each the capital of great and independent States. The burials in London were now about 50,000 in a year; but notwithstanding the congratulation which Her Majesty had addressed to the House at the close of last Session, the previous labours of Parliament had yet produced no results. What the state of things at present were, had been sufficiently described in the Report upon which the Interments' Act was founded, and in which it was stated that the noxious effluvia arising from St. Margaret's churchyard, near which he stood, were so powerful, that fresh meat in the neighbourhood had been tainted within a single hour. Other districts were even worse. He should therefore be glad to know what steps had been taken by the Board of Health?

The Earl of SHAFTESBURY said, that no one could feel more deeply than he did the regret expressed by his noble Friend as to the delay which had taken place in bringing the Act of last Session into full operation; and the more so, because he could assure his noble Friend that the statement he had made from the Report as to St. Margaret's churchyard was by no means exaggerated, and that that state of things not only prevailed in that locality, but in many other localities in this vast and increasing metropolis. Every day's experience confirmed the Board of Health more and more of the wisdom and practical utility of the Act to which his noble Friend had referred; and he was glad his noble Friend had put his question, for the Board had been censured in another place, and charged with neglect of which they were wholly innocent. For the purpose of showing that to be the case, he would state the progress the Board had made with reference to the Act in question. The first meeting of the Board under the Act took place the very day the Act passed, and on the 8th of August the Board issued advertisements applying for tenders of land for the purpose of the formation of cemeteries. The Act required that before they could enter into any contract or negotiation for the purchase of land, six weeks' notice should be given of their intention to do so; and the Board had thought proper to extend that time to two months, in order that every available opportunity should be given for the offer of sites. It was likewise thought necessary to inquire into the results of experience in other countries; and a deputation of the Board proceeded to Paris, and were, during their stay there, in continual communication with the authorities who had command of interments there, and examined into the mode in which the cemeteries of that city were conducted. On their return to London, they immediately applied to the metropolitan cemetery companies for details which they thought necessary for a fair valuation of their grounds; but as the companies refused to give those details, they were compelled, with much loss of time, to make their own valuations of those cemeteries. In the meantime inquiries were proceeded with as to regulations to divide the metropolis into certain divisions for the purposes of the Act, and for other preliminary arrangements rendered requisite by its provisions. Those preliminary inquiries being completed, the Board on the 23rd of November submitted to the Treasury a document, in which they set forth the means of bringing the Act into speedy operation. In the meantime inquiries were proceeding to get at the amount of compensation which might become payable to the clergy and parish authorities, under the 33rd, 34th, and 35th sections of the Act. These inquiries were now complete and ready for adjudication. Thus a plan was submitted to the Treasury by the Board on the 23rd of November last, and all subsequent consideration of that plan had only served to confirm the Board of its practicability and beneficial character. That plan was submitted on the 23rd of November, and contained a demand for permission to purchase all the cemeteries at once. Much delay intervened, and the Board received no reply until January 22, 1851. Then a correspondence arose, and on the 20th of March the Board received permission to proceed according to their proposition of the 23rd of November, coupled with a recommendation that, although they had the power to purchase all, they should, in fact, take them separately. Notice was then immediately given to two cemeteries, and, as was foreseen, they chose, as the Act gave them power, the longer procedure of arbitration. Thus three more months had elapsed, and the awards in these first cases had not yet been given. The Board, meanwhile, proceeded to survey and make valuations of ground for a new cemetery near Erith, and proceeded, as rapidly as the nature of the business allowed. They requested from the Treasury authority to purchase on the 28th of April, and received permission on the 15th of May. On the 13th of May they applied to the Treasury for leave to contract a loan from the Guardian Insurance Office, and obtained permission; but it was not till the 18th of June that they received from the Guardian Office a final answer and refusal, that office stating that they declined to lend money to a body whose existence was limited to five years. The Board communicated the result to the Treasury immediately, and received an acknowledgment on the 24th of June. On the 9th of June they demanded permission of the Treasury to negotiate a loan with the Royal Exchange Assurance Office, but received no answer until the 24th of June. On the 2nd of July they urged, as oftentimes before, the expediency of assistance by exchange bills. On the 3rd of July they sent to the Treasury a copy of a letter from the Royal Exchange, doubting the goodness of the securities, and received a reply on the 18th of July. On the 10th they received a final answer from the Royal Exchange, refusing the loan on the same grounds, and instantly communicated the same to the Treasury. That was the sum of their proceedings. The delay was not theirs—not a moment had been wasted; the value and practicability of the Act had not been tested, for the Board was stopped in the outset by the preliminary difficulties which arose, and which had been foreseen by those who had made the first inquiry into the subject. The Commissioners who made the first report recommended that the entire subject should be committed to a separate Commission, with permanent existence, and full control over all funerals. Those recommendations were altered by the Government, the first by throwing the task upon the Board of Health, a body which had no wish to undertake it, and which had a limited existence; and the second by imposing restrictions which hampered the efforts of the Board when they came to raise money with which to commence their proceedings. These were the provisions placed in the Bill by the Government alone in direct opposition to the recommendation of the Commission; and yet the Board of Health was charged with having caused all the delay which had taken place by their neglect. He had never been more astonished in his life than to hear, as he had heard that day (said to have been uttered by a Member of the Government), that the scheme of the Board of Health was a bad scheme, when, in fact, it was a scheme of the Government's own concoction. Never in any way had the Government said that before, at least to him. The Board communicated to the Treasury the difficulties the instant they knew them; the one relating to the transitory character of the Board was stated on the 18th of June; the second, the objection raised by the Royal Exchange Assurance Company, on the 3rd of July. They had not taken a single step without the previous sanction of the Treasury; and had not all those former delays occurred, the objections to the securities would have been discovered, and stated at a much earlier period of the Session. For himself, he cared nothing as to what might be said in reference to the part he had taken in the administration of this matter; but, whether ably conducted or otherwise, he had spared neither time nor money. But he must say, in defence of his two colleagues, Mr. Chadwick and Dr. Southwood Smith, that more diligent, upright, and intelligent men he had never known. He had never known men more deeply zealous for the welfare of the community; but attacks had been made on them, and they had not been defended by those who could have spoken in their behalf. He did feel for them that which he did not feel for himself; but he maintained that in justice to himself, to his Colleagues, to the Board, and to the public, their Lordships ought to have on the table of that House full and authentic copies of—he would not say all the correspondence, but—the Minutes of the Board.

The Earl of CARLISLE said, he did not rise to enter into the merits of the question before their Lordships, because he was not conversant with the different negotiations and transactions that had taken place between the Board of Health and the Treasury; but as to any expression that had fallen from any one of his

Colleagues in some other place, and to which his noble Friend referred, he hoped his noble Friend was under some misapprehension in the account he had heard; because he could assure his noble Friend that the Government generally were most anxious for the success of the measure in question, to which they themselves had been parties; and he could state his own individual deep regret that circumstances had hitherto prevented it from making a more rapid progress. He need not acquaint his noble Friend, that there had been circumstances which had affected the conduct of public business in the other House of Parliament, and which had affected the introduction of measures to remove the difficulties to which his noble Friend had referred; but he believed that a Bill for removing those difficulties was in actual progress through the other House, though he feared his noble Friend would not think it was calculated to remove all of them. He knew that the Board of Health had many obnoxious duties to perform. It had to point out defects, to call attention to the laches and misconduct of persons, and to grapple with many existing interests, and therefore it was not unlikely that it would meet with considerable obloquy; but it had incurred that obloquy in the conscientious and straightforward discharge of its duty; and no persons were more zealously devoted to the management of the cause with which they were intrusted, or more laborious and indefatigable in the discharge of the functions assigned to them, than the several members of which that Board was composed.

The Earl of HARROWBY thought the Government were to blame for not defending the Board of Health when attacked. Whilst the Government took credit to themselves for their exertions, it was somewhat curious that subordinate Members of the Administration should have occupied themselves in throwing obstructions in the way of this measure. He did not accuse the Members of the Government in their Lordships' House. He believed they were zealous in the cause. But he had good reason to believe that other Members of the Government had taken opportunities, not only not to promote the measure, but throw obstructions in the way. The Minutes of the Board, and the correspondence, ought to be laid on the table to show who were in fault.

Earl GREY thought his noble Friend had gone a step beyond the subject of discussion, which had so unexpectedly been brought forward that evening, in passing a severe censure on certain Members of the Government. He did not know to whom his noble Friend alluded; but serious charges of that sort ought not to be brought forward without due notice and full information being afforded to the House. He could anticipate no objection to the production of the Minutes of the Board of Health to which his noble Friend opposite had referred; but it was highly probable that when those Minutes were produced, other papers would be required in order that the case might be fully understood. No one was more thoroughly persuaded than himself of the good intentions, zeal, and ability of his noble Friend opposite, and those who acted with him; but, on the other hand, he would ask whether in their zeal to accomplish a great end they might not have a little too much neglected the minor advantage of effecting some immediate and partial improvement? That, however, was a question upon which he was not able to form a correct opinion, but it might be open to some little doubt.

Lord MONTEAGLE stated, that the discussion could hardly be said to be unexpected, for a week before he had informed his noble Friend of his intention to put a question to him on the subject. After the explanation, however, which his noble Friend had given, he must acquit his noble Friend of any delay or neglect.

Subject at an end.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, July 31, 1851.

Minutes.] Public Bills.—1° Charitable Trusts; County Rates.
2° General Board of Health (No. 4); Canterbury Association; Nuisances Removal and Diseases Prevention.
3° Coal Duties (London and Westminster and adjacent Counties); Metropolitan Sewers; Law of Evidence Amendment; Canada and New Brunswick Boundary.

METROPOLITAN INTERMENT BILL.

Order for Committee read.

House in Committee.

Clause 1, authorising the Treasury to advance 137,000*l.* for the purchase of two Cemeteries.

Mr. BERNAL OSBORNE wished to ask whether the right hon. Chancellor of the

Exchequer did not think that the Board of Health would ask for money next Session? He fully believed that they would come to him for at least 500,000*l.*

The CHANCELLOR OF THE EXCHEQUER said, that the important question for the House was, not whether they would ask for it, but whether they would get it. He willingly admitted that the present system was a bad one, but until they had a better let them not refuse the Board of Health the means of doing that which, if not essential to the public health, was at all events very desirable. They had only applied for this money because they had been unable to obtain it from other sources whence it was expected that they could have procured it. In order to entitle the Board to close any graveyard, they must have the means of offering another place of burial, and they could neither close one yard nor provide another without funds.

MR. WAKLEY wished to know how it was that the Committee was asked to advance money out of the Consolidated Fund, when, by the Act of last year the Board of Health had the power of laying a penny rate?

The CHANCELLOR OF THE EXCHEQUER said, that the Board of Health could not lay the rate until they had closed a burial ground; but they could not do that until they had opened another place of burial. That they could not do without purchasing the two Cemeteries in question, for which purpose this advance was required. The penny rate would not raise the purchase money.

MR. WAKLEY thought that the Board of Health should have provided burial places at a distance of some miles from London; he believed that might have been done for a much less sum than was required for these two Cemeteries in the immediate neighbourhood of London.

MR. J. BELL said, that it was only requisite to close burial grounds that were full, and as he did not see that the owners of such grounds had any right to be compensated, he thought that all that was necessary was, to pass an Act enabling the Board of Health to close graveyards when full. He objected to this Bill that it had the effect of converting the Board of Health into a speculative joint-stock company of undertakers. He thought that, instead of passing this measure, they should give the Board of Health the supervision of all burial grounds throughout the kingdom, and that it should be in their power when a burial ground was proved to be a nuisance, to put an end to it by steps like those prescribed under the Nuisances Removal Act, without providing compensation; and the proprietors should be empowered to obtain another burial ground, at a suitable distance from the thickly-inhabited districts. He would give the Board of Health control over the the whole of the graveyards of the kingdom, and power to close them immediately they became a nuisance.

MR. BERNAL OSBORNE must call upon the Committee to look narrowly into the consequence of voting this large sum of money. He entirely agreed with the hon. Member for St. Albans (Mr. J. Bell), that the direct tendency of the Bill would be to convert the Public Health Commissioners into a great company of undertakers. He would not say it was a job, but the appearance of the Bill was most ugly: if he could get a respectable number of hon. Members to join him, he would divide the Committee against it.

MR. MACKINNON thought if compensation were to be given to the Cemeteries, it would be far better to buy them out at once. He did not see how, under the circumstances, the right hon. Chancellor of the Exchequer could do otherwise than come to that House for the money. The money being thus provided, in the first instance, the Board could come upon the different parishes for reimbursement. He was at a loss to conceive whence the opposition to the Bill arose.

Clause *agreed to;* as were the remaining Clauses.

On Question, "That the Bill be reported,"

SIR BENJAMIN HALL said, that the hon. Members who were opposed to voting this large sum of 137,000*l.*, having done all in their power to resist the Bill, would now take the division on the present stage.

MR. W. WILLIAMS wished to be distinctly understood that the Members who now voted against the Bill were not in favour of intramural interment, but, on the contrary, decidedly opposed to it. They voted against the Bill on the ground that they were hostile to giving 137,000*l.*, to be disposed of in the manner proposed.

Motion made, and Question put, "That the Chairman report the Bill, with the Amendments, to the House."

The Committee *divided*:—Ayes 42; Noes 7: Majority 35.

House resumed; Bill *reported* as amended.

PETTY SESSIONS (IRELAND) BILL.

Order for Committee read.

House in Committee.

Clause 10.

Mr. SCULLY objected to further proceeding with the Bill, as it contained a provision to which the majority of Irish Members were decidedly opposed — he meant the clause which gave a single magistrate the power of committing a prisoner for twelve months. He should move that the Chairman report progress.

Sir ROBERT FERGUSON hoped the Government would not proceed with the Bill. It appeared to him that it would be impossible to pass the Bill with full discussion during the present Session.

Lord NAAS said, that they had now reached the 10th of thirty-nine clauses, and as there was not a single notice of amendments remaining on the paper, he thought it would be much better to proceed with it, and endeavour to pass it.

Sir WILLIAM SOMERVILLE said, the principle of the Bill had been adopted by the House, and as it was calculated to effect a material improvement in the administration of justice in Ireland, he trusted hon. Members would not impede its further progress. However, if hon. Members persisted in amendments on every clause, it would certainly be impossible to pass it this Session.

Mr. TORRENS M'CULLAGH was anxious to limit the principle of the Bill, for he considered it most objectionable that a single magistrate, sitting in Petty Sessions, should have the power of dealing with any offence short of treason or capital felony, and sentencing offenders to twelve months' imprisonment. He was satisfied that no one would venture to attempt to apply such a principle to England; and he asked the Committee to consider whether this was not rash, unwise, and unjust legislation?

Mr. CONOLLY said, that parties had the power of appeal against the decision of the magistrates; the hon. Member for Dundalk (Mr. M'Cullagh) had totally overlooked the provisions with regard to appeal, by which the principle of the Bill was guarded. There seemed to have been some personal pique between the hon. Member for Dundalk and the Lord Chancellor of Ireland as to the appointment of magistrates; and he hoped that hon. Gentleman would waive his personal feeling, and allow the Bill to proceed.

Mr. TORRENS M'CULLAGH said, there was no foundation whatever for the statement the hon. Gentleman had just made. He was happy to say that he was on very good terms with the Lord Chancellor of Ireland, and he hoped he should ever remain so.

Mr. BERNAL OSBORNE was glad that the hon. Member for Dundalk had called attention to this Bill, and he (Mr. B. Osborne) hoped that the hon. Member would persist in his opposition to it. It was, he thought, a most objectionable thing to attempt to pass such a Bill, giving powers of so unprecedented a character to a single magistrate, at the fag-end of a Sesion, in a House of only forty-nine Members.

Sir HENRY BARRON said, he must advert to the difficulty that there was in numerous districts in Ireland in getting two magistrates to meet; and he appealed to the Committee to pass this measure for the sake of the poor man, who had at present often to go with his witnesses from fifteen to twenty miles, at great loss of time and expense, and then found that there were not two magistrates present, and therefore his case could not be heard. The magistrates in many districts in Ireland were not able to leave their houses to attend petty sessions, because they could not meet their engagements in consequence of the loss of their property, the non-payment of their rents, and the universal bankruptcy of all around them. In other districts their property had been sold from them, and they did not feel it consistent with their duty to attend the bench under these distressing circumstances. A suggestion had been made that the number of magistrates should be increased; but he knew one district where every man who was qualified for a magistrate was already on the Commission; and in another district, where there were seven, eight, or nine magistrates; they would not attend benches. This Bill was the only mode of meeting these difficulties, and he begged the Committee to assent to it for the sake of the poor man who would not otherwise be able to obtain justice.

Mr. WAKLEY thought that if they continued to enact such laws as this, it was not very likely that the state of things in Ireland would be much improved. Laws of such an unfeeling and ferocious character were calculated to produce a feeling of intense hatred on the part of the poor against the rich, a feeling of hatred that would often work itself out in acts of revenge, and the consequences in the end were, as they knew, most deplorable. The hon. Member for the city of Waterford (Sir H. Barron) seemed to think it was a misfortune that the people of Ireland could not find a magistrate. Now, he (Mr. Wakley) doubted whether the people had much to be thankful for when they did meet with a magistrate. The people of England had no great liking for magistrates; but from what he had heard they had much greater reason to avoid their presence in Ireland than to seek for them. This Bill would subject to most severe punishment any person who "unlawfully and wilfully damaged or destroyed any fence of every description whatsoever." A poor man in getting over a fence might knock out a stone or commit other trifling damage; and who was to determine whether it was wilfully committed? The magistrate, who was empowered to inflict upon him the monstrous punishment of a year's imprisonment. He considered that this Bill manifested towards the people of Ireland a spirit which nothing could justify. If they manifested towards that people a kind and liberal spirit, he believed they would experience from them a grateful return and a ready acquiescence in any wise and salutary measures Parliament might adopt.

The CHANCELLOR OF THE EXCHEQUER said, this subject had been discussed yesterday, when a division took place, and fifteen Irish Members voted for the Clause, and eight against it. He thought, therefore, that the Government could not be accused of forcing upon Ireland a measure which was very unpalatable to the representatives of that country.

MR. ROCHE regretted that the Government had not taken advice and withdrawn this objectionable clause. He was prepared to oppose the further progress of the Bill, as he would not be a party to introducing into Ireland a Bill which would be scouted out of England.

CAPTAIN SCOBELL could recognise no distinction between the law in England, Ireland, and Scotland, and would therefore oppose this new and arbitrary power. The principle of the Bill would not be tolerated in England, and he was not prepared to commence it in Ireland. Let hon. Gentlemen remember that that House was a house of magistrates, and that they ought to take care how they attempted to increase their own powers. He would oppose the clause even at the risk of losing the Bill altogether.

SIR DE LACY EVANS most oppose the clause, on the ground that the severity of the proposed penalties was altogether disproportionate to the offence committed, and because it was introducing a most dangerous precedent.

MR. BERNAL OSBORNE believed that the description of the Irish magistracy given by the hon. Member for the city of Waterford (Sir H. Barron), was a very correct one. He believed that the whole of the magisterial and grand-jury system in that country was unsound.

The CHANCELLOR OF THE EXCHEQUER was willing to admit that a good deal might be said against a portion of this clause, though he thought that it would work well in some parts of Ireland, in which there was at present a partial failure of justice. But it was pretty obvious that in the present temper of the Committee, if the Government insisted upon this clause they could not pass the Bill, which contained some provisions of a very valuable character. If hon. Gentlemen would go into the discussion on the rest of the Bill with the intention of passing it, he would, on bringing up the Report, omit the second section of clause 10; the effect of this would be, while leaving the present law untouched, to prevent any further extension of the powers exercised by a single magistrate. If this suggestion were agreed to, he would move that the Chairman should report progress, and would finish the Bill at the evening sitting.

MR. SCULLY said, that after the concession made by the right hon. Chancellor of the Exchequer, he would not press his Motion.

Clause *agreed to.*

House resumed; Committee report progress.

EPISCOPAL AND CAPITULAR ESTATES MANAGEMENT (No. 2) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

COLONEL SIBTHORP said, that the Bill had only been placed in the hands of Members on the previous day. It was a measure of great importance; and he thought it was unbecoming on the part of the Government to press it forward at that late period of the Session, when there was no possibility of having a fair discussion of its provisions under such circumstances, and with so small an attendance, with grouse shooting approaching, and Good-wood races on, and other amusements. He, therefore, begged to move that the Bill be read a Second Time that day Three Months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day Three Months."

SIR BENJAMIN HALL thought they ought to have some explanation with reference to this Bill. A Bill with something of a similar object was introduced in the other House of Parliament at an early period of the Session, and the following, he understood, was the history of the proceedings with regard to that Bill. A Commission was appointed in 1849 for the purpose of inquiring into and determining on a better mode of managing the Episcopal Revenues; they made two Reports. The Commission consisted of Gentlemen eminently qualified to consider the subject. They were Gentlemen who might be supposed to have rather an episcopal leaning than otherwise—the Commission consisted of the Earl of Harrowby, Dr. Lyall, the Solicitor General, Mr. Armstrong, Mr. J. G. S. Lefevre, and Mr. Richard Jones. And he might say it was a Commission that had given satisfaction. He was led to believe also, from circumstances that had been brought to his knowledge, that the Commission was sanctioned by the episcopal body, and that the Reports they made had received the sanction of the episcopal body. He believed that a Bill founded upon those Reports, and receiving similar sanction, was introduced in the other House of Parliament by the Earl of Carlisle. But upon the second reading certain members of the episcopal body, thinking they could make better terms, objected to the further progress of the Bill except it was referred to a Select Committee; and he was informed that after evidence had been heard on the part of the promoters of the Bill without counsel to represent them, an application was made that the episcopal body might have counsel to cross-examine the witnesses and defend their own body against the promoters of the Bill, and that the proposition was rejected. They were told that a certain Report had been agreed to upon the evidence; but they had not seen the Report, and he understood it was quite at variance with the recommendation of the Commissioners as originally propounded. When all these circumstances were known, they should, he thought, have time to consider the manner in which the lessees were to be dealt with. He admitted they ought to be glad that any proposition was made for the purpose of taking the management of the ecclesiastical revenues out of the hands of the Commissioners; but this Commission had come to certain resolutions that were very worthy of consideration and attention from all parties. In page 6 of the Report of the Commissioners, they treated of the estates of the archbishops and bishops, and they said that the present plan of paying the bishops had not worked well in practice, owing to the uncertainty of the events which determined the incomes, and the varying amounts of the fines which fell in in different years; that some bishops had thus received much more, some much less, than the income intended for them; and that to suggest means of making those incomes regular was one of the duties intrusted to them (the Commissioners). Seeing the hon. and learned Solicitor General in his place, who was one of the Commissioners, and a party to that admirable Report, he wished to knew if any steps were taken to equalise the episcopal revenues. It appeared that the Bishop of Durham had received 79,000*l.* more than he ought to receive, and that the Archbishop of York had received much less than he ought to receive, and he was called upon to pay to the common fund a sum that was a supposed surplus, though he had not received it. These evils should not be allowed to continue, and the whole thing should be put on a different footing. His opinion was that the bishops ought not to have anything to do with the management of the property. The deans and chapters should have the property taken out of their hands; and let them be paid what would be a proper income for the duties they had to perform. To discuss a measure of this kind when the Bill had only been in their possession a few hours, was impossible. All they knew was that there were two Reports, which had been made the basis of a Bill that was not carried out in another place; and he begged to ask if any steps were to be taken to carry out those Reports?

The CHANCELLOR OF THE EXCHEQUER said, it was perfectly true, as stated by the hon. Baronet, that two Reports had been made by the Commission to which he referred; that a Bill founded upon them was introduced in the other House by his noble Friend the Earl of

Carlisle; and that that Bill was referred to a Select Committee of the House of Lords, and they took evidence of various descriptions, and came to the conclusion that it was not desirable to proceed with the Bill in the shape in which it had been proposed in compliance with the recommendation of the Commission. The Committee thought it very difficult, if not impossible, to pass any compulsory measure upon the subject, and they therefore limited their recomendation, which had been carried into effect by the Bill now on the table, to a permissive Bill, permitting ecclesiastical corporations, sole or aggregate, with the approval of the Church Estates Commissioners, to sell their interest to any lessee, or to purchase of any lessee his interest, providing certain restrictions upon that power, and prescribing the application to be made of the money, and especially that any increase of income obtained thereby should not go to the individual whose estate was sold, but to the general purposes of Church funds. Therefore no individual would derive any increase of revenue from the transaction. He did not think it would be desirable to enter on this much-mooted question, which they had so often heard discussed in that House; it was not a question where the incomes of individuals were concerned; and whatever would be gained would be gained by the Church, and he did not think that any objection should be taken to the Bill in its present shape. His opinion was that this was a far better scheme than had been recommended by the Commissioners. It provided for the possibility of getting rid of a system of lease by fine and renewal, which every person who had touched upon the question in recent discussions objected to, and which had led to circumstances that were complained of in that House. It was a system prejudicial to the parties who received the income, and to those who paid it. It might be true that in thirty years a bishop might receive an income equivalent to 4,000*l.* or 5,000*l.* a year; but in many years he might receive nothing at all, and that was a position in which it was not fair to place an individual having such duties to perform. If the system of renewals was not got rid of, the incomes could not possibly be equalised. This was a first and most decided step in getting rid of the system of letting Church lands; it was merely a permissive Bill to allow parties to make such arrangements as are desirable, subject to the check of the Ecclesiastical Commissioners. As to the intention of the measure, he saw no objection to it, and he hoped it would be largely acted upon, and would be alike for the benefit of the Church, the bishops, the lessees, and the State.

MR. AGLIONBY thought it was most desirable to have this question settled, and that the income of the bishops should be equalised and placed on a solid footing, of which no person should have reason to complain. He did not think, however, that the right hon. Gentleman the Chancellor of the Exchequer had given to other parties concerned the slightest consolation, or the slightest information as to what was to be done with their interests. It was said this Bill was merely a permissive measure; but his (Mr. Aglionby's) objection to the measure was founded upon that circumstance as well as upon anything else. Assuming for a moment that this measure was fair towards all parties, and recognised the beneficial interest of the lessees, that it was desirable to give an increased income to the Church and settle that *vexata questio*, still they should not press forward with indecent haste a measure of so much importance. Several witnesses were anxious to be summoned on the part of the lessees in various parts of the country, and it was only fair that they should be heard. However, it was arranged that within a fortnight the Bill must be passed; it was hurried through the House of Lords, and was passed in as many days as the forms of the House allowed. The Bill was only recently brought down to that House; and the Report of the Commission and the evidence taken before it, that was said to be the foundation of the Bill, was not yet delivered. The House was in ignorance of what was to be done with this immense mass of property; and was it not fair that, where lessees were concerned, they should be consulted? There was no person present of whom they could ask a question on the subject; and an awful responsibility would rest upon those who, even on the high recommendation of the Chancellor of the Exchequer, would allow this Bill to pass. They should not permit themselves to be accused hereafter of sacrificing the interests of those they ought to protect, and they should not forget that the present Government had a strong bias to do what the bishops and Ecclesiastical Commissioners required. If they did not pass this Bill now, would they be worse off next

Session? He could not think so ill of the Ecclesiastical authorities or the Commissioners as to say that, if the Bill were fair and just now, they would not let it pass next Session. What he asked was a delay of six months, to give persons an opportunity of considering the subject. Surely they should have an opportunity of suggesting amendments in detail, and should not, without consultation or consideration, be called upon to pass the measure with railway haste. The right hon. Chancellor of the Exchequer said it was merely permissive; but that was the very worst part of it. They would sacrifice the interest of the poorer classes, who were admitted to have a beneficial interest, and sacrifice them for the advantage of a few individuals. There was no pledge whatever that the Ecclesiastical Commissioners would even be bound by that Report. The lessees were handed over to the bishops and the Ecclesiastical Commissioners, and deprived by the Bill of that beneficial occupation which they had a right to expect. Under those circumstances he implored the Government to postpone the second reading of the Bill until the next Session of Parliament.

Mr. SPOONER said, he agreed with much that had fallen from the hon. Member for Cockermouth (Mr. Aglionby) as to the right which the lessees had to have their interests fully considered. The Report of the Commissioners, and the original Bill founded on that report, certainly did not deal fairly with the interests of the lessees, The hon. Member for Cockermouth had alleged that the interests of the lessees were handed over to one of the parties; but such was not the case. He (Mr. Spooner) denied the whole of the argument which the hon. Gentleman had founded on the assumption that this was a compulsory Bill. There was not a single iota of compulsion in the whole Bill. There was very great uncertainty with respect to the property with which the Bill proposed to deal. At present, anybody wanting to deal with that property had his hands completely tied. The result was, that purchasers could not be found. It was therefore desirable that that state of things should be brought to a close as soon as possible. It appeared to him the best course to pursue was, that the parties interested ought to try to reconcile their differences, and then apply to the Ecclesiastical Commissioners to approve of any arrangement to which they might come. For himself, he thought the Bill was a step in the right direction. As

the property was at present managed, neither party had the full possession or enjoyment of it, and it was the object of the Bill to get rid of that system of management. He opposed the suggestion that the second reading of the Bill should be postponed for six months, on the ground that, if that course were pursued, so much excitement would in the interval be produced among the parties interested that a fair settlement of the question would be much impeded when it came again before Parliament in the next Session. The Bill was in his opinion a step in the right direction, and he hoped the Government would persist in pressing it.

Mr. MULLINGS entirely concurred in the principle of this Bill, but in the details of it he did not concur. He thought if the hon. Gentleman (Mr. Spooner) had considered the whole of the details of this Bill, he would have seen that it was not quite of so permissive a character as he thought. There was no notice whatever taken of the rights or interests which had been called dormant; he meant those appertaining to the tenant-right of renewal, which had existed from time immemorial. Those leasehold interests had been made the subjects of sale and mortgage, of marriage settlements and devises; and now they were to be disposed of for the benefit of one party only, namely, the Church Estates Commissioners. He would recommend the hon. and learned Solicitor General to see that words were inserted in the Bill with a view that regard should be had to the course of dealing with that property for the last century. If some provision was inserted in the Bill by which the tenant-right of renewal were recognised—and he (Mr. Mullings) asked for no more—and pointed to it as a matter to be dealt with, he should fully approve of the measure. It had been said that the Bill was simply permissive; but as he understood it, the 8th clause contained something more than a permissive power. There were provisions in the Bill to which he could not consent, and he therefore trusted that the Bill would be read a second time with the understanding that it would be deferred till next Session.

Mr. CARDWELL said, if this were a Bill, the object of which was to increase the revenues of the episcopal body, or to increase the dividend of the capitular body, and to screen their proceedings from popular reform, then he could understand the objection being made to it on the part of those who were desirous for the improvement of the efficiency of the Church. But the Bill did not in the least touch any one of those subjects; on the contrary, it expressly provided that when they had increased the aggregate of the Church property they should carry that increase to the common fund for the promotion of those Church purposes to which that fund was applied, and for the increase of which that House, in this Session of Parliament, had unanimously addressed the Crown, solemnly calling upon Her Majesty to take every means in Her power for increasing the efficiency of the Church from its own resources. There were two parties interested in Church property—the lessors, who were an ecclesiastical corporation, and the lessees. In former times Parliament took care that the Church should not alienate its property. That had introduced a state of law most inconvenient as regarded the tenure of ecclesiastical property. It had given rise to an exceedingly disadvantageous mode of vesting the lease in one party, and the rêversion in another, to which it was desirable to put an end. The lessee could not dispose of his interest in the lease; and, as regarded the lessor, Parliament had interposed an obstacle to his obtaining the reversion. It was manifestly most desirable for the public interests, having regard to the free tenure of land, to the greatest amount of revenue to be derived from it, and also to the economical application of that revenue, that the system of vesting the lease in one party, and the interest in another, should come to an end. Well, they appointed Church Estates Commissioners; and it was now submitted to Parliament that the Church, with the sanction of those Estates Commissioners, might be safely allowed to deal with its property in the capacity of a vendor. He denied that there was any compulsion. There was the Church on the one side, a free party; and on the other the lessee, a free party; and this Bill only enabled the Church to deal with the lessee, and the lessee to deal with the Church if he pleased, and to obtain that which his (Mr. Cardwell's) hon. Friend the Member for Cockermouth (Mr. Aglionby) said was a privilege for which he would gladly pay. To pass a compulsory Bill so late in the Session, would be an anomalous proceeding; but with all respect for the opinion of the hon. Member for Cirencester (Mr. Mullings), as a lawyer, he could not put the same construction on the Bill as the hon. Gentleman did. It was true the Bill contained a wholesome compulsion on the capitular authorities, who could not add to their own revenues; but would hon. Members tie up the hands of the hon. Member for North Warwickshire (Mr. Spooner), who wished this recess to make arrangements respecting leasehold property beneficial to the parties, and also to the public, because it brought land into the market? The hon. Member for Cockermouth (Mr. Aglionby) objected to the Bill on grounds which would be applicable if it were a compulsory Bill. He (Mr. Cardwell) contended that the only object of the Bill was to increase the revenues of the Church, carrying that increase to a common fund for the benefit of the working clergy of the Church; and it did that with the perfectly free concurrence of those with whom the Church had to deal. Under these circumstances, he did hope the Government would proceed with the Bill.

MR. CHISHOLM ANSTEY said, the parties interested in this question were the lessees on the one side, and the lessors on the other. If the lessee attempted to use the machinery which this Bill pretended to give him for securing his rights, then the Bill became compulsory. That machinery would only operate for the benefit of the lessor, and not at all for that of the lessee. There was a general feeling amongst the lessees of Church property against this Bill. They regarded it as a measure of spoliation, and one which would not have been introduced unless with the view to advance the interests of the Church, and, above all, of the Ecclesiastical Commissioners. The hon. Member for Cirencester (Mr. Mullings) was perfectly right in the view he took of the Bill. If the lessee was inclined to take advantage of the Bill, his right of renewal was gone. He (Mr. C. Anstey) thought it right to warn the House against the course of legislation which had of late years been adopted at the instance of the Ecclesiastical Commissioners. They had lost altogether that wholesome jealousy which Parliament used to entertain of the power of those Commissioners, who represented in their own persons the whole wealth of the Church of England. The Mortmain Acts had been already repealed in their favour. He should like to ask the hon. Member for Liverpool (Mr. Cardwell) whether it was likely, unless the terms were very favourable indeed to the pecuniary views of the Church, that the Ecclesiastical Commissioners would consent to an enfranchisement which would would bring land into the market? He feared if they passed this Bill it would stand in the way of a permanent and satisfactory settlement of the question hereafter. In any Bill of this nature it was essential that regard should be had to the right the tenant now possessed in the certainty of renewal; and the terms should be fixed on more equitable grounds than they were at present. As it was not the policy of the Church to alienate its lands, it was clear that the Ecclesiastical Commissioners, if left to themselves, would consent to no terms of enfranchisement which would not in effect amount to spoliation as against the lessees, and the enhancement of the ecclesiastical revenues. The principle of enfranchisement was good, but it was not provided for by this Bill; on the contrary, its operation was obstructed by it. For those reasons he would vote in favour of the Amendment of the hon. and gallant Member for Lincoln (Colonel Sibthorp), if it was pressed to a division.

Mr. NEWDEGATE said, that in leaving it in the power of the Ecclesiastical Commissioners to make rules for the enfranchisement of Church leasing, the Bill did, in fact, hand over to the Commissioners the legislative powers of that House. True, it provided that these rules should be laid before both Houses of Parliament; but what did that mean? Either that the Government did not know what the law ought to be, though they were determined to legislate on the subject, or that, with full information of what these rules ought to be, the framers of the Bill had not submitted them to the House as part of the Bill itself, but had given power to the Commissioners to make and enforce them, as laws. What, he should be glad to know, was the reason for this pressing hurry now? Here they proposed to give a compulsory power to the Commissioners, and yet the operative part of the measure was to be reserved till next Session! He wished to see the revenues of the Church placed in a more advantageous position; but he could not understand why the Commissioners should have power to deal with existing interests, and the operative part of the measure be thus reserved to another Session of Parliament. He trusted the Government would consent to postpone the Bill until next Session, and then again submit it to the House with the rules, orders, and laws embodied in its provisions.

Mr. FREWEN was, like the hon. Member for North Warwickshire (Mr. Spooner), a lessee of Church property, and wished therefore to maintain the principle of "tenant-right." But he understood the right hon. Home Secretary to state to the House some time ago, when a question was put to him in reference to this Bill, that he did not expect that it would pass into a law during the present Session. In consequence of that statement by the right hon. Gentleman, he (Mr. Frewen) had not taken upon himself the trouble of considering what would be the operation and effect of the measure. He had regarded the Bill as a means of procuring a preliminary discussion on the subject, and had been under the impression that legislation would be deferred to a future Session. The House might judge of his surprise, therefore, when he found that morning that the Bill had been brought down from the House of Lords and read a first time, and its second reading appointed for this evening.

The CHANCELLOR of the EXCHEQUER was certain the pledge of his right hon. Friend the Home Secretary did not apply to the present Bill, but to the compulsory Bill. His right hon. Friend had not been in the House since this measure had been before Parliament.

Mr. BONHAM CARTER objected that to give power to the Ecclesiastical Commissioners by this Bill to frame rules and orders now, would interfere with future legislation. He feared also as it was provided that no bargain made with any ecclesiastical corporation should be binding if detrimental to that corporation, and that the lessors in all cases should be indemnified against loss, that they would make bargains which would ultimately tell against the lessees. He thought, however, it would be unwise to refuse assent to the principle of a Bill which went so far towards effecting an object so desirable as the enfranchisement of Church leases.

Sir THOMAS COLEBROOKE complained that they were called upon to decide upon the details of a Bill, without having any explanation of its principles. It had been said it was a permissive Bill, but the permission would very much depend upon the terms in which it was granted. Parliament ought not to sanction a Bill of this kind unless the principle was clearly defined upon which the commutations would take place. If the question was pressed to a division, he would vote against the measure.

The SOLICITOR GENERAL said,

that the objections to the Bill seemed to him to be against its details, and not against its principle. On the second reading of the Bill, it was hardly fair to discuss the former point. The real object of the Bill was to effect an enfranchisement of holdings, if the lessors and lessees so desired it. The Bill could not in any way prejudice the interests of lessees, for it gave them power to do that, namely, obtain an enfranchisement, which, under the present state of the law, they could not obtain. As to the 8th Clause, the hon. Gentleman the Member for Cirencester (Mr. Mullings) had mistaken its object. By the present law a party was allowed to take a large fine and sell the interest of the Church for fourteen years, when he might not live three. But by the proposed measure the whole produce of such a sale must be refunded, and the incumbent would only get the income of the produce of the sale. But it was asked, why not at once lay down rules and regulations relative to the terms at which sales should be made to lessees? The answer was, that there were a great number of matters to be considered, not merely with reference to the subject generally, but with regard to particular cases. There were leases of tithes; the leases in the north and south of England differed in their nature; there were leases of mines and of houses, and it was impossible at once to lay down rules on all these matters. Experience itself would suggest many regulations that could not be well foreseen. But, at all events, the rules laid down could not injure the lessee, for all he had to say was that he would not make the bargain. If the regulations did not suit him, he need not buy. He did not see on what principle the hon. Baronet (Sir B. Hall) could object to this Bill, as it was intended to put an end to a mischievous system which he had always protested against.

MR. HENLEY said, the Bill had only been in their possession twenty-four hours, and they were now asked to agree to the second reading. He had great objection to legislating in this way. The hon. and learned Solicitor General told them that the Bill merely gave permission to lessees to change their condition if they saw fit; but he thought the case went further than that. They might change their condition, but it was to be on terms made by a certain body named in the Bill, namely, the Ecclesiastical Commissioners. It was very possible that, before the rules were laid before the House, some very questionable purchases might be made, as it appeared the parties had power to act in the meantime. He hoped the Bill would be postponed until the public had an opportunity of considering its provisions.

MR. BARROW could not consent to the second reading of a Bill which had been brought forward under circumstances of such precipitation. The Bill had been only a few hours in his hands, and he had had no opportunity as yet of ascertaining the opinions of his constituency with respect to it. For his own part, he confessed he was anxious that enfranchisement should be proceeded with, but he did not very clearly understand how that object could be attained by the present Bill.

VISCOUNT PALMERSTON thought that everything that had been said by the various Members who had taken part in the discussion, tended to the conclusion that it would be well for the House to assent to the second reading, with a view to having the details of the measure deliberately considered in Committee. All agreed in approving of the principle of the Bill, which was nothing more than this, that both the Church and the lessees should have power to sell and buy, as they thought fit. The only objection turned on the details of the measure, and even those hon. Members who were not satisfied with the details would best accomplish the object they had in view by facilitating the second reading, and stating their objections in Committee, so that the Bill might go to the country with such amendments as it might appear to require. For his own part, he thought it was quite possible for the House to shape the Bill in the present Session in such a manner as to make it free from objection; but even those who were of a different opinion, and desired a postponement till next Session, would do well to vote for the second reading, and thus accelerate that particular stage in which they might most fully and most legitimately explain their views.

MR. BECKETT DENISON did not think, considering the state of public business, that there was any possibility of the Bill passing this Session. He thought that the House had been treated in an unprecedented manner in being called upon to give its consent to the second reading of a Bill which had been only a few hours on the table. He should vote for the Amendment.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 45; Noes 34: Majority 11.

List of the AYES.

Bellew, R. M.
Berkeley, Adm.
Bouverie, hon. E. P.
Boyle, hon. Col.
Brotherton, J.
Cardwell, E.
Carter, J. B.
Cockburn, Sir A. J. E.
Cocks, T. S.
Cowper, hon. W. F.
Currie, H.
Duckworth, Sir J. T. B.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Elliott, hon. J. E.
Freshfield, J. W.
Goold, W.
Goulburn, rt. hon. H.
Greene, T.
Hawes, B.
Hindley, C.
Johnstone, J.
Labouchere, rt. hon. H.
Langston, J. H.
M'Gregor, J.
Moffatt, G.
Morris, D.
Mullings, J. R.
Ogle, S. C. H.
Pakington, Sir J.
Palmerston, Visct.
Parker, J.
Price, Sir R.
Somerville, rt. hn. Sir W.
Spooner, R.
Tancred, H. W.
Tennent, R. J.
Thompson, Col.
Tollemache, hon. F. J.
Tufnell, rt. hon. H.
Watkins, Col. L.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, Sir W. P.

TELLERS.

Hayter, W. G.
Craig, Sir W. G.

List of the NOES.

Anstey, T. C.
Barrow, W. H.
Bass, M. T.
Brocklehurst, J.
Carew, W. H. P.
Collins, T.
Denison, E.
Dunne, Col.
Edwards, H.
Ellis, J.
Forster, M.
Fox, S. W. L.
Frewen, C. H.
Geach, C.
Greene, J.
Hall, Sir B.
Hallewell, E. G.
Henley, J. W.
Kershaw, J.
Lacy, H. C.
Martin, J.
Naas, Lord
Neeld, J.
Newdegate, C. N.
O'Connell, M. J.
Plowden, W. H. C.
Reid, Col.
Salwey, Col.
Scobell, Capt.
Stuart, H.
Walmsley, Sir J.
Williams, J.
Wrightson, W. B.
Young, G. F.

TELLERS.

Aglionby, H. A.
Sibthorp, Col.

SIR BENJAMIN HALL said, he believed that the country would regard with feelings of disgust and indignation the course that had been pursued with reference to this Bill. He had uniformly observed that, when Bills were introduced on the subject of the temporalities of the Church, it had been the uniform practice to postpone them till almost the last day of the Session, so that opportunity for considering their provisions was utterly impossible. The 3rd & 4th William IV., which was a Church Temporalities Act, did not receive the Royal Assent till the 14th of August; and the 3rd & 4th Victoria, cap. 113, which was an Act of a similar character, did not receive the Royal Assent till the 11th of August. The result of this system was, that discussion was cushioned, and that facilities were afforded for scandalous jobs and abuses. Another instance of indecent haste which marked all these proceedings was contained in a case which came under his own knowledge. There was a certain right rev. Prelate, who had a deanery attached to the office of bishop. It was intended, however, by the Report of the Commissioners to abolish the office of dean, and an Act abolishing it passed through both Houses of Parliament. On Saturday, the 9th of August, the Bill had passed through all its stages in both Houses, and on Monday, the 11th, it received the Royal Assent. But on Sunday, the 10th, twenty-four hours before the Bill was passed, this bishop got himself installed both as a bishop and dean, and by this manœuvre set the authority of the Crown and Parliament completely at defiance. He hoped that they would have no more passing of Bills at the end of a Session, and that the present measure would be postponed to give them time fully to consider its contents and examine the evidence taken before the Lords' Committee. The episcopal body should have the common decency to let the laity see what they were to be called on to pay for their lands under this Bill; for a part of the Bill said the Ecclesiastical Commissioners were to determine the whole that was to be paid. Now, these Commissioners were the bishops, and he did not think they were the parties who ought to have this power. There was no confidence in the Ecclesiastical Commissioners; they were, in fact, a condemned body; and he now told the Government that if they insisted upon passing this Bill in the present Session, he would use every influence in his power to oppose it. It was a disgraceful attempt to impose upon the laity a certain price for the lands which they held of the Church, and that price was to be arbitrarily imposed by the bishops themselves. They ought in common decency to let the nature of these measures be known in time. The Bill had been brought down from the House of Lords no later than last night, and was circulated that morning; but the Government had not been able to carry the second reading by a larger majority than eleven. He would offer no objection to their going into Committee on the Bill, if there was a distinct understanding that it would not be pressed to a third reading this Session; but if no such assurance were given, he would certainly do all in his power to resist further progress.

COLONEL SIBTHORP agreed with the hon. Baronet (Sir B. Hall), that it was a most unjustifiable course for the Government to endeavour to take every advantage, and to "dare" to force down a measure of this importance at this late period of the Session.

MR. AGLIONBY said, that after the decision of the House in favour of the second reading, he should offer no further opposition to the Bill at present, but he should endeavour when in Committee to alter its provisions. He should communicate with those who were interested in the question, which involved property to the amount of hundreds of thousands of pounds; and if there were as many objections, after the Bill had passed through Committee, as there were now, he should urge the Government to withdraw it until next Session. He should not, however, offer any factious opposition to the measure.

The CHANCELLOR OF THE EXCHEQUER'S own belief was, that it would be very easy to remove many of the objections to this said Bill in Committee. He believed the principle of the measure was beneficial to the lessees.

MR. J. A. SMITH considered the Bill as merely an experiment, to see whether the Church and the lessees could come to terms under the provisions it contained. But those provisions, if unaltered, would entail positive and actual ruin on a great number of lessees; and he was certain gross injustice would be inflicted, unless there was some proper legislation founded on the recommendations of the report.

MR. SPOONER thought the hon. and learned Solicitor General had taken a very correct view of the evils which existed, and if the hon. and learned Gentleman would undertake the conduct of the Bill, it would probably come before the House in a way which would meet with general approval.

Main Question put, and *agreed to;* Bill read 2°, and *committed* for *To-morrow.*

CONSTABULARY FORCE (IRELAND) BILL.

Order for Committee read.

House in Committee.

Clause 1.

MR. FITZSTEPHEN FRENCH said, a more unjust measure than this was never proposed. The object was to abolish the office of paymaster of the constabulary in Ireland. So long as the salary was paid by Ireland, there was no thought of abolition; but when the expense was thrown on the Consolidated Fund, the Government contemplated reduction. There were eighteen persons in Ireland who held the office of paymaster of the police force, all of whom had broken up their establishments to accept it. One officer, who had been thirty years in the public service, was to be dismissed with 40*l.* a year, which was no compensation at all. He wished to see the Bill fall to the ground, and trusted that in the next Session justice would be done to the gentlemen who were to be dismissed. A great many cases of individual hardship might, in the meantime, be brought before the Treasury.

The CHANCELLOR OF THE EXCHEQUER said, the officers in question were, in fact, never paid by the Irish counties, but always paid out of the Consolidated Fund, therefore the observation of his hon. Friend on that subject was without foundation. The Government had dealt with these officers as they dealt with public officers in England and Scotland; when they found that they could get their duties performed at a cheaper rate, they felt themselves at liberty to discontinue their services. He agreed that there ought to be some consideration for officers when they were dismissed; but that had been done in the present case which was done in all similar cases. Two or three years ago he offered to put these officers on the superannuation fund. They were unwilling to submit to the reduction—declined to be put on the superannuation fund, and, but for a Clause in the Bill, they would have no compensation at all. He did not know the particular cases, but the same principle would be applied to these officers as to others whose offices were abolished. Compensation would be awarded according to the length of service.

MR. BROTHERTON said, the Irish constabulary was paid out of the Consolidated Fund, while that of England was paid by the counties. It was, therefore, no question of justice to Ireland.

COLONEL DUNNE thought the officers were entitled to compensation. If they were military officers, they should not receive less than the half pay to which they were entitled before the Act passed. The Government were taking a wise course in abolishing the offices. With the reduced population of Ireland, there was no necessity for so great a number of stipendiary magistrates as seventy paid out of the Consolidated Fund.

MR. CONOLLY considered that the Lord Lieutenant ought to have the power of altering the numbers of the constabulary force in each county, city, or town. The population of Limerick and Waterford had increased 2 to 3 per cent; that of Belfast, 32; and that of Galway 43 per cent; while the population of the rural districts had decreased. Hence the necessity of augmenting the force in those districts where there had been an increase, and reducing it in others. Donegal, which was the sixth county in population, and the fourth in extent in Ireland, was the twenty-sixth in the number of its constabulary.

SIR HENRY BARRON said, that the late Sir Robert Peel, in proposing the repeal of the corn laws, had promised that the people of Ireland should be relieved from all charge for the police; but this pledge had not been carried out. In Waterford and Donegal they were now paying for a portion of the police force. The amount was not large; but in the present impoverished condition of Ireland they ought to be relieved from it.

MR. SCULLY said, there were 1,220 police in the county of Tipperary, the cost of which was 53,000*l.* per annum. In the present state of quiet of the south of Ireland, a large reduction might safely be made. In Limerick, out of 320 police, 185 had been charged on the four baronies, 60 on the county at large, and only 75 out of the Consolidated Fund.

LORD NAAS wished to know if the displaced paymasters would receive the same superannuation allowance as those who had subscribed to the superannuation fund.

The CHANCELLOR OF THE EXCHEQUER said, he did not propose to put them on the same footing as those who had contributed to this fund; but he would give them precisely the same allowance as was made to the officers who had not so contributed.

SIR DENHAM NORREYS considered that the clause inflicted a cruel hardship on the paymasters, and he should move an Amendment, in order to leave the question of compensation an open one to the Treasury.

Amendment proposed, "In page 2, line 9, to leave out from the word 'discontinued' to the word 'such,' in line 12."

The CHANCELLOR OF THE EXCHEQUER said, he was treating the paymasters like all other officers of the same class. If the words were struck out, they would only be exciting hopes that he could not fulfil.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 39; Noes 6: Majority 33.

Clause *agreed to;* as were also Clauses 2 and 3. Clauses 4 and 5 *struck out.*

Clause 6 *agreed to.*

Preamble *agreed to.*

House resumed. Bill *reported;* as amended, to be *considered* To-morrow.

The House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Friday, August 1, 1851.

MINUTES.] PUBLIC BILLS.—1ª Lunatics (India); New Zealand Settlements; Crown Estate Paving.

2ª Customs; Sheep, &c. Contagious Disorders Prevention; Commissioners of Railways Act Repeal; Lands Clauses Consolidation (Ireland); Steam Navigation.

Reported.—Grand Jury Cess (Ireland); Medical Charities (Ireland).

3ª Churches and Chapels (Ireland); Ecclesiastical Residences (Ireland); United Church of England and Ireland; Court of Chancery and Judicial Committee.

ROYAL ASSENT.—Chief Justices Salaries; Woods, Forests, &c.; Tithe Rentcharge Assessment; Arrest of Absconding Debtors; Expenses of Prosecutions; Hainault Forest; Victoria Park; Unlawful Oaths (Ireland); Turnpike Roads (Ireland); Private Lunatic Asylums (Ireland); Public Works (Ireland); Local Acts (Preliminary Inquiries); Charitable Institutions Notices; Commons Inclosure (No. 2); Civil Bills, &c. (Ireland); Ecclesiastical Titles Assumption; Militia Pay; Soap Duties; Copyhold, Inclosure, and Tithe Commissions; Smithfield Market Removal; Stock in Trade.

PROMOTION IN THE NAVY.

EARL TALBOT rose to move for "copies of so much of the Orders in Council of June 3, 1747; March 8, 1771; December 19, 1804; June 30, 1827, and August 10. 1840, as relates to the promotion of Captains and Commanders in the Navy; and also of any rules or regulations made by the Admiralty for their guidance in preventing any officers of the Navy from obtaining their promotion; as well as any rules for considering any officer of the Navy eligible for promotion in addition to the active service at sea, according to the Orders in Council." The noble Earl said, his object in moving for these papers was to enable their Lordships to consider the subject of the Orders in Council with reference to the promotion of officers in the Navy, so as to prepare the way for a Motion which he intended to bring forward on a future occasion for an Address to the Crown, praying that these rules and regulations of the Admiralty, which were a great hardship and injustice to the officers of the Navy, as well as a serious detriment to the service, might undergo revision and amendment. Great dissatisfaction existed in the Navy on account of these rules, the effect of which was to place officers on the retired list for life who wished to serve their country, and to give a preference to others who were not entitled to special favour. The noble Earl gave a number of examples of officers who experienced hardship under the existing rules from being put on the retired list. The first was the case of Rear-Admiral Sir Andrew Green, and the next that of Rear-Admiral Moore. There was also Sir John Ross, who, although he had not been employed in a post ship, had yet performed distinguished services for many years in the Polar Seas, and now was in search of Sir John Franklin. Sir George Westphal, and Captain O'Brien, whose adventures in escaping from a French prison were so well known, were other instances of officers on whom these rules operated unfairly. Great stress had been laid by the advocates of the present system of retirement on the fact that this class of officers did not ask for employment; but he knew the case of one officer who had applied no less than eighty times, and yet he was not employed. When these officers were put on the retired list against their will, and Sir William Parker—whose distinguished services he freely acknowledged—was allowed to continue in the perpetual command of the Mediterranean fleet, he thought it was a reflection upon those who were excluded from service. Then, again, there was the case of Captain Martin, who had been for so many years in command of a squadron of frigates; and yet other officers having an equal claim were prevented from having a turn. He said, let every officer have his chance of getting to the top of the tree. He (Earl Talbot) himself had applied to the Admiralty; and could not get employment, but why not he could not tell. He had now been fourteen years on shore, and felt rusty. He thought the Admiralty ought to allow the time which an officer had served as commander to count in his favour, and that the Orders in Council ought to be modified so as to permit officers to serve a certain time within the few years preceding their obtaining a flag, in order to prepare them for active service. He hoped the Government would consent to revise the existing rules, which he believed would be only an act of justice to deserving officers, and would also tend to the benefit of the service.

Earl GREY said, there could be no possible objection to producing the papers moved for; indeed, he believed they were already before both Houses of Parliament. As to the selection of officers for flags, undoubtedly there were such rules; but each Board of Admiralty formed rules for themselves, and they were never reduced to writing; he hoped, therefore, his noble Friend would omit the second part of his Motion. [Earl Talbot consented to do so.] In that case he (Earl Gray) should not think it necessary to go into the matters alluded to by the noble Earl, further than to say that he did not understand from the Earl's statement what course he wished the Government to pursue. It was undoubtedly very desirable for the interests of the service, to reduce the ineffective list. Out of the large number of admirals, very few could be employed on active service. In reference to the cases alluded to by the noble Earl, he believed not one of these officers had, at the time they entered the service, or for many years after, any better chance of promotion than they would now enjoy. The noble Earl admitted that to qualify a man as admiral, he must not only have served, but have served recently; and that was the very spirit of the recent regulations. He deprecated the practice of canvassing in Parliament the particular grounds on which appointments to high commands were made by the Crown; were this done in every case, the greatest blow would be inflicted, not only on the interests of the service, but on the constitution of the country. The noble Earl had complained of Sir William Parker being so long continued in the Mediterranean; but was it to be tolerated that when the Crown thought the services of a particular officer valuable in certain circumstances, that he ought to be displaced because other officers thought themselves as well qualified? On this principle even Lord Nelson himself might have been removed from his command. This was a principle wholly inadmissible. If any case of partiality could be made out, the case would be different; but he was certain this would not occur with reference to the gallant Officer who had been named.

The DUKE of NORTHUMBERLAND said, he thought it most desirable that officers should know what were the rules of the Admiralty with respect to promotion, so that they might be aware of what they had to expect. He should therefore propose that the Motion should be left in its integrity.

The EARL of MINTO said, that there were no such formal rules, and that there could be no such formal rules, as those referred to in the latter part of the Motion. He believed there was no objection to grant the former part of the Motion of the noble Earl opposite (Earl Talbot).

EARL TALBOT, in replying, wished to advert to one point alluded to by the noble Earl (Earl Grey) who had succeeded him in that discussion. It had been observed that he wanted only to promote the interests of the profession, without at all considering those of the public; now he thought he could not substantially advance the interests of the profession without advancing those of the public also.

First part of Motion *agreed to;* the second *negatived.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Friday, August 1, 1851.

MINUTES.] NEW WRIT. — For Downpatrick, *v.* Richard Ker, Esq. Chiltern Hundreds.

PUBLIC BILLS.—3° New Zealand Settlements; Lunatics (India); Collection of Fines, &c. (Ireland).

COUNTY COURTS FURTHER EXTENSION BILL.

House in Committee.

The ATTORNEY GENERAL moved that the following Clause should be added to the Bill:—

> "And whereas it is provided by Act 9 & 10 Vict. c. 95, s. 40, that the salaries to be received in any case by the Judges and clerks of County Courts, shall be 1,200*l.* by a Judge, and 600*l.* by a clerk, be it enacted that after the passing of this Act, the greatest salaries to be received in any case by the said Judges and clerks respectively, shall be 1,500*l.* by a Judge, and 700*l.* by a clerk."

As they were now going to impose on these Judges additional duties, including a very important part of the business now transacted in the offices of the Masters in Chancery, he thought it would only be justice to give them a commensurate increase in their incomes.

MR. W. WILLIAMS said, he objected to the clause. In many cases the Judges of these Courts were not more than half employed; and as they did not in general now receive more than 1,000*l.* a year, he thought the power which already existed to raise their salaries to 1,200*l.* would be quite sufficient to secure their adequate remuneration for the additional duties to be imposed upon them. No one at present knew what the amount of those duties would be; but should it turn out that they were not sufficiently paid at 1,200*l.* a year, he should not then object to assent to the provisions of the proposed clause. He would suggest that, except perhaps at Manchester and Liverpool, the County Court Judges should be invested with a jurisdiction in bankruptcy. In some parts of the country, especially in Wales, parties experienced considerable inconvenience from the distance which they had to travel to attend the Courts of Bankruptcy.

MR. COLLINS said, it was his intention to oppose the Clause. Its object was to increase the salaries of the Judges from 1,000*l.* and 1,200*l.* a year, to 1,500*l.* a year. He believed that 1,000*l.* a year was quite sufficient to secure the services of eminent lawyers, and that 1,200*l.* a year would be abundant compensation for any additional labour thrown upon them. He was fortified in this opinion by the declaration of the right hon. Gentleman the Secretary of State for the Home Department, who declared last Session that 1,000*l.* a year was quite sufficient salary for the Judges of the County Courts.

SIR GEORGE PECHELL was by no means of opinion that the salary proposed to be given to the Judges of County Courts was too much. In the county of Sussex, with which he was best acquainted, the Judges had, in some instances, to travel 100 miles to reach their Courts. He wished to know whether it was intended to give the Judges the whole salary of 1,500*l.*, as none of them had more than 1,000*l.* a year at present.

The ATTORNEY GENERAL said, that the object of the clause was to make the maximum salary 1,500*l.* a year. Several of the Judges had now more onerous duties to perform than others, and it was proposed to give them 1,500*l.* a year.

MR. CLAY said, that up to this time, in his opinion, the County Court Judges had not received sufficient remuneration for their services. The words "not exceeding 1,200*l.*" he always understood to mean "1,200*l.*;" and yet they had been paid in most cases not more than 1,000*l.* This had been adding insult to injury, and he should like to hear from the Government that it was intended to have a minimum salary of 1,200*l.*

Sir GEORGE STRICKLAND had great confidence in County Courts, and wished to see their respectability maintained, and the Judges properly paid. They were increasing in importance every day, and he should support the clause.

Mr. AGLIONBY would also support the Clause, and in the absence of any opposition, save that offered by two hon. Gentlemen, hoped that the Committee would at once agree to it, and would determine that the minimum salary should be 1,200*l.* per annum.

Mr. BECKETT DENISON said, that there was a greater difference in the amount of work to be done in different districts than there was between 1,200*l.* and 1,500*l.* a year. In fact, he knew that some districts were better worth 1,500*l.* than others were worth 1,000*l.* He found nothing in the clause about a minimum salary, and he should prefer to leave the proportion in the hands of the proper authorities.

Mr. MULLINGS said, that he should support the clause. In some cases he knew that the Judges were monstrously overworked. He was acquainted with one of the most active, who had assured him that without a deputy it would have been impossible for him to get through his work, and that his salary had only left him a clear income of 700*l.* a year.

Mr. J. WILLIAMS would urge upon the Government to transfer the bankruptcy business of North Wales to the County Court Judges in the districts. It was well known that creditors in North Wales lost thousands a year because they could not go to Liverpool to prove small debts before Commissioners who did not understand the Welsh language. He approved of the proposition to raise the salaries of the Judges of these Courts, and he would suggest that the duties of the revising barristers should be also transferred to them, by which means a saving would be effected of 1,200*l.* a year.

Sir JOHN DUCKWORTH expressed his approval of the clause, as he thought the County Court Judges were not sufficiently paid.

Mr. W. WILLIAMS said, he would not divide the Committee.

Mr. HARDCASTLE said, he wished to propose an Amendment that it was expedient to provide salaries for assistant clerks in those cases where the office of clerk is held by the same individual for more than one Court. He was assured, on competent authority, that the duties of the district assistant clerks were by far more onerous than those of any other officer of the Court. The Amendment which he begged to propose would be to give 300*l.* to the assistant clerk, such assistant clerk being an attorney of, and duly admitted in, one of the Superior Courts.

Lord DUDLEY STUART approved of the Amendment, and would suggest that as the work was all done by the assistant clerks throughout the country, the office of clerk might be dispensed with altogether.

The CHANCELLOR of the EXCHEQUER said, that the Amendment might lead to great abuses. A certain sum was allowed for clerks' work, and the principal clerk very properly appointed a deputy clerk to assist him.

Mr. W. WILLIAMS said, the Amendment, if agreed to, would treble the expense of the County Court system, because an assistant clerk would have to be appointed in every district.

Mr. COLLINS said, it was his intention to support the Amendment. In his own neighbourhood the assistant clerk had to keep his office open from ten till four o'clock, and all the remuneration he received was 70*l.* a year.

Amendment *withdrawn;* Clause *agreed to.* Other Clauses moved and *agreed to.*

Preamble *agreed to.*

House resumed. Bill *reported.*

CHURCH BUILDING ACTS AMENDMENT BILL.

Bill, as amended, *considered.*

The SOLICITOR GENERAL moved the addition of the following Clause after Clause 29:—

> "After next avoidance, Bishop may cause a church to be provided in any benefice having a population of forty persons, and an income exceeding 150*l.*, where there has been no church for ten years."

Clause *brought up*, and read 1°.

Motion made, "That the said Clause be now read a Second Time."

Mr. FREWEN said, he must complain that he had not been fairly treated in this matter. He thought this clause would not apply to a great number of cases which he thought ought to be met by such a provision, He objected also to the clause being limited to incomes of 150*l.* a year. He thought, likewise, that the clause ought to be made to apply to benefices which were now void.

The SOLICITOR GENERAL could assure the hon. Member (Mr. Frewen) that he had endeavoured *bonâ fide* to carry out what appeared to be the expressed wish of the House when this Bill was last under its consideration. He admitted the clause assumed rather a strong character, but he had founded it on the precedent which enabled a bishop to compel a clergyman to erect a parsonage house. The hon. Member said 150*l.* was too high a sum; but he would remind the hon. Gentleman that a bishop could compel a clergyman with an income of only 150*l.* a year to build a parsonage. Where there was no parsonage house the clergyman could be charged 600*l.* upon his income of 150*l.* to provide a parsonage house, the payment of that 600*l.* being spread over a period of thirty years. By this clause he would be charged with the payment of 750*l.* more, which would reduce the annual value of the benefice to little more than 100*l.* But if the hon. Gentleman reduced the sum below 150*l.*, then on an income below that sum the clergyman would have to pay from 1,200*l.* to 1,300*l.* over a period of thirty years.

Sir JOHN DUCKWORTH said, he must protest against the passing of a clause involving so important a principle in the way proposed. With regard to the building of parsonage houses, that was a legitimate charge on the fund set apart for the income of the clergyman; but this clause went on a totally different principle. As the hon. Gentleman (Mr. Frewen) who introduced the clause first of all, to which this was an amendment, had stated that the clause as now altered was not one to which he attached any value, he (Sir J. Duckworth) trusted the Government would allow it to be negatived.

Mr. GOULBURN said, in his opinion this Clause proceeded in a wrong direction. His view of dealing with the case would be this: that the bishop should exercise the power which he had of insisting that a clergyman should live in his parish, and then the building of a parsonage house would very soon be accomplished.

Lord JOHN RUSSELL said, if the House was opposed to the proposition, he was not disposed to press it.

Question put, and *negatived.*

Amendments made; Bill to be read 3° *To-morrow.*

EPISCOPAL AND CAPITULAR ESTATES MANAGEMENT (No. 2) BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. J. A. SMITH asked whether the noble Lord at the head of the Government would lay on the table of the House the rules by which the Ecclesiastical Commissioners proposed to be guided in dealing with the lessees of Church property now under the control of the Commissioners?

Lord JOHN RUSSELL said, there were no rules that had been made by the Ecclesiastical Commissioners since the Report of the Committee of the House of Lords, and therefore there were no rules of the kind to which the hon. Member alluded which could be laid on the table of the House. He believed the Committee of the House of Lords consisted in great part of the Ecclesiastical Commissioners, and therefore it might be supposed those Commissioners were acquainted with the views of that Committee.

Sir BENJAMIN HALL asked whether hon. Members could be furnished with copies of the minutes of evidence taken in the House of Lords, before the House proceeded further with this Bill?

Mr. SPOONER said, the evidence had been ordered to be printed.

Sir BENJAMIN HALL said, the Bill was brought down late on the 31st of July, and read a second time yesterday (Thursday), and he had asked if hon. Members might not have the evidence printed and placed in their hands before they proceeded with this Bill.

Lord JOHN RUSSELL said, no such rules of the Ecclesiastical Commissioners had been laid on the table of the House.

Mr. GOULBURN said, the Committee, having no duties imposed upon them by this Bill, had not framed any rules or regulations with regard to a measure which had not received the assent of Parliament.

Sir HENRY WILLOUGHBY thought it was not a fair or reasonable course to ask the House to go into Committee on this Bill until the evidence taken in the other House of Parliament was printed, and in the hands of Members.

The SOLICITOR GENERAL said, the Bill was merely of a permissive character, its object being to enable all parties to do what they could not now do, if they thought fit to avail themselves of the provisions of the Bill. The evidence taken before the House of Lords could have no bearing upon that question.

Sir HENRY WILLOUGHBY thought the hon. and learned Gentleman had given the best reason for delay. It would be useless to discuss the principle of dealing with the property which was the subject of the Bill, until they had the evidence before them on which the Bill was founded.

Colonel THOMPSON wished to have his lay intellect distinctly informed whether it was or was not intended by this Bill to force an agreement on any unwilling parties? [Several Hon. Members on the Ministerial bench: No, no!] He assumed, then, that it was distinctly asserted that the Bill only gave a power in some quarter to legalise an agreement made between consenting parties. If that was so, there could be no objection to its going into Committee. He voted upon that assurance.

Mr. AGLIONBY said, the Bill was only permissive. It did not compel any party to enter into the agreement in question; but he was sorry to say there were more contracting parties to those agreements than two. There were the lessees on the one hand, and the ecclesiastical bodies on the other; and, thirdly, there were the Church Estates Commissioners.

Mr. GOULBURN: They were consenting parties.

Mr. AGLIONBY: Very well; but if a permissive agreement could not be carried into effect without the consent of those Commissioners, he could regard them in no other light than as parties to the contract. He asked the Government and the right hon. Gentleman opposite (Mr. Goulburn), under the circumstances, to postpone the further consideration of the Bill until the next Session of Parliament.

Sir BENJAMIN HALL said, the noble Lord at the head of the Government must be aware that there was a strong feeling in the House that the present system of taking fines upon leases should be abolished. Everybody was agreed upon that point. But the real question was, whether those hon. Members who were the representatives in Parliament of the lessees, and the lessees themselves, should have time to consider the Bill now brought under the consideration of the House? He contended, if the noble Lord was sincere in his wish to abolish the existing system—and he (Sir B. Hall) believed he was—and if the noble Lord wished them to have a fair Bill, he ought to give them a fair time for considering it. Why should they be put in a worse position in that House than noble Lords were in the other, where ample time had been given for considering the whole subject? The Commissioners had made two reports, the one in January and the other in July, 1850, which were most admirably calculated to carry out the objects which hon. Members had in view. The principles on which the lessors and lessees ought to act were those which were embodied in those two reports of the Commissioners. If the gentlemen forming that Commission had any leaning, it would rather be in favour of the episcopal and capitular bodies, and certainly not in favour of the lessees. A Bill was founded on those reports. The grounds on which that Bill proceeded were greatly in favour of the lessors, though it was said to be founded on the reports of the Commissioners. That Bill was brought in by Lord Carlisle, sanctioned by the episcopal and capitular bodies, and by the Ecclesiastical Commissioners. Hon. Members were naturally led to believe, when the Government brought in a Bill of that kind, defining clearly the grounds on which enfranchisements were to go, that such a measure would have passed. The very day on which that Bill was read a second time, an objection was taken to it by the Bishops; and the only ground on which it was permitted to be read a second time was, that it should be referred to a Select Committee of the other House of Parliament. It was referred to a Committee. Of whom was that Committee composed? It was composed of the Archbishop of Canterbury, the Archbishop of York, and the Bishops of London, Winchester, Lincoln, Salisbury, Norwich, Oxford, and St. Asaph. [An Hon. Member: Read on.] There were laymen he (Sir B. Hall) admitted; but there were nine of the Episcopal Bench and the Ecclesiastical Commissioners, who ought not to have sat in a Committee on the Bill, they being parties interested in the matter. The great evil as regarded Select Committees was, that parties were put on them who had a positive interest either in the progress or the stopping of the measure which was before them. No such parties ought to appear in the Committee, except as witnesses. The Bill was read a second time in the latter end of April. It was referred to a Select Committee on the 22nd of May, and those right rev. Prelates, being so interested, sat on the Bill together with laymen. What was the principal object of that Bill? It was an excellent object. The second clause provided that the Church Estates Commissioners should be the commissioners for carrying the Act into execution. That was exactly what he (Sir B. Hall) and those whom he represented desired. What were those Commissioners to do? According to the third clause, they were to summon and examine witnesses and to call for returns. That ought to be the very object of the Church Estates Commissioners: and it ought to be the object of the Government that they, the laity, who constituted the vast community of the Church, should know what was the property of the Church through the medium of the Church Estates Commissioners. What took place in consequence of those two clauses? The Bill having been referred to a Committee on the 22nd May, after having been in Committee exactly two months, a report was made that it was not expedient to proceed further with the Bill. The Bill was consequently rejected. What followed? There was a Bill ready prepared by the Bishops, who were ever watchful of their own interests, and it was brought down to the House and printed on 24th July. Now let them look at the indecent haste with which that Bill was pushed through both Houses of Parliament. The Bill now before the House was only introduced two days after the report of the Committee to which he had referred, on the 24th July. It was read a second time on 25th July, committed on the 28th, and read a third time on the 29th. It was then sent down to the House of Commons on the 31st July, printed on the following morning, and they were asked to take the second reading of it six or seven hours after they had received it. And now they were asked, twenty-four hours after they had received it, to go into Committee on the measure. He said that was a disgraceful thing; and after that statement of facts, if the noble Lord insisted on pressing the Bill, he (Sir B. Hall) must say he was labouring under some species of episcophobia, for which he should seek a remedy as soon as possible. The proceedings that had taken place in the House with regard to this Bill, had caused a sort of consternation among the lessees in and about the metropolis. The Bill placed the whole property of the lessees in the hands of the episcopal body; the lessees had no power of redress: and the House was now called on to sanction such a monstrous proposition as that. It was said yesterday that it was rather hard he should take so active a part, as he did not represent lessees. If he (Sir B. Hall) was not the representative of lessees, he should like to know who was. He represented the most valuable Church property in existence, namely, that in the county of Middlesex. He represented the Church property in the parish of Paddington, the annual value of which, on the parochial assessment, was about 360,000*l.* Nearly the whole of that parish belonged to the Bishop of London. There were 2,500 lessees there interested in the passing of this Bill, and he would undertake to say there were very few of those persons who then knew what the House was doing with reference to their interests. They ought to have a Bill brought in, defined in its purpose, and laying down the grounds on which enfranchisement was to take place, and they ought to reject this Bill, because, according to the 8th clause, it left everything to be transacted by a body who had not the confidence of the country, and to correct the abuses of which an Act had to be passed last Session. The whole powers of this Bill were then to be placed in the hands of those who had perpetuated those abuses. The House and the country had condemned the Ecclesiastical Commissioners as unworthy of confidence, and yet this was the body in whom the noble Lord would place the power of making rules to determine the terms on which sales with lessees should take place. Did they suppose that those clever and astute-minded prelates, having the power to ride over the authority of the Church Estate Commissioners, would neglect the opportunity placed within their reach? He contended, if they passed this clause, that they would be doing away with the whole of the legislation of last Session, and that they would be re-enacting that system which had cost them so much time and labour to expose and to defeat. He had said that the progress of this Bill caused much consternation in the minds of lessees of ecclesiastical property. That morning, upon coming into the House, he was met by a body of lessees holding property from the Bishop of Winchester, and a document was put into his hand, which was a circular requiring the attendance of lessees to take into consideration the provisions of a Bill in the House of

Lords, by which their interests were affected. The meeting was to take place upon Monday, the 4th of August, in Lant-street, in the Borough. Why, before that day, if the Government persisted in this Bill, the very one referred to would become the law of the land, and they would dispose of the interests of these men without giving them even the opportunity of being heard. Now, if these people, who were in the vicinity of their House, had not an opportunity of considering the matter, was it possible that the lessees of the bishoprics of Durham and York could pass an opinion on a question so deeply affecting their interests ? The circular concludes by calling upon the lessees to resist this gross infringement upon their rights, and assures them that if they did not look to their own interests, there was no person who would. That was, in point of fact, saying that the Bishops would not. He did not object to the principle of the Bill. What he objected to was the hurried mode of legislation upon such an important question, and the mode in which the principle was to be carried out. He showed, the other night, that two of the most important Acts relating to the Church temporalities had been hurried through Parliament with the most indecent haste. He made reference to the 3rd & 4th William IV., which received the Royal Assent on the 14th of August, 1833, and the 3rd & 4th Victoria, chap. 113, which received the Royal Assent on the 11th of August, 1840. This Bill was worse than either of those. They might call it a permissive Bill, but they might rely on it its operation would be exceedingly dangerous. All they intended to do was this—to pass this Bill, which could not be acted upon, but then to say, we have passed a precedent, and upon that precedent we will fashion our future proceedings. The exposure of the ecclesiastical body contained in the blue book was fresh in the mind of the people. If they pushed this Bill through upon the 2nd of August, with the full influence of the Government, when Members had left London, there would be a greater feeling of disgust than there had been already exhibited. Moreover, if this Bill were proceeded with, it would be a breach of faith on the part of the noble Lord. It was most distinctly stated by the Government, when the Bill was in the House of Lords, that it was not likely that the Bill would come down to the House this Session. When a Minister made a statement, they did not act upon the strict letter of that statement, but upon the spirit; and the spirit of that statement was that they would not be called upon to legislate upon that subject during the present Session. That was his impression ; and if he had left town, it would have been with that belief. He would willingly go into Committee upon the Bill, provided there was a declaration that they would not be asked to take the third reading of the Bill this Session. In Committee they might make it as good a Bill as they could, and leave it to be considered in the next Session of Parliament. But if this promise were not given, he would oppose the Bill in every manner that lay in his power.

Lord JOHN RUSSELL had in vain endeavoured to learn what were the objections entertained by the hon. Baronet to this Bill. If his hon. Friend had made any tangible objection against the course he proposed to take, he (Lord J. Russell) would have been very glad at that period of the Session to spare himself any trouble with respect to a Bill of this kind, and to postpone it to another year; but really the hon. Gentleman's objections were quite impalpable. The hon. Gentleman said he had no objection to the principle of the Bill; and the only fault, indeed, that he had found with any part of the measure was, with regard to certain words in the 8th clause. Now, those words were perfectly open to discussion and amendment. He (Lord J. Russell) would gladly consent to amend them, if it should be the opinion of the House that any alteration ought to be made; but he did not think the fact that there were two words in one of the clauses to which his hon. Friend objected, was a sufficient reason for rejecting the Bill. The only other ground on which the hon. Baronet opposed the Bill was, that the history of the measure was such, that he felt bound to object to it. He (Lord John Russell) agreed, that if it were now proposed to lay down positive rules in this Bill with respect to the enfranchisement of the estates in question, it might be reasonable to say that there was no time to consider whether the conditions were fair or not; that it was impossible to legislate positively on the subject; and that the Bill ought to be postponed. But the history of this Bill was precisely similar to that of many other measures of the same kind. After endeavours had been made for months in a Committee of the House of Lords to settle terms upon which the ecclesiastical corporations and the lessees might come to some arrangement as to their respective interests, no such terms could be agreed upon, and it was then proposed that the corporations and the lessees should be left to make their own terms, and that no positive terms should be laid down by Parliament. There were, therefore, no positive terms laid down by this Bill, which was permissive only in its nature. What was there in that conclusion that was objectionable? It was not in the object of the Bill, which was the enfranchisement of these lands; and it was admitted that the enfranchisement of these lands was by no means objectionable. Then, were there any parties who would suffer damage? The ecclesiastical corporations could not suffer, because they must be consenting parties to the enfranchisement. The lessees could hardly be sufferers either; because they too must be consenting parties; and if the terms proposed by the bishop or any ecclesiastical corporations were too hard or severe, the lessee had nothing to do but to refuse those terms, and he remained in the same position as before. It might be, however, that the interest of a third party, of the greatest importance—the general interest of the Church and of the public—would suffer; but he thought it was a question to be considered in Committee on the Bill, whether that interest was sufficiently guarded. If his hon. Friend (Sir B. Hall) considered that the Ecclesiastical Commissioners were not proper persons to guard that interest, they might consider in Committee whether the Church Estates Commissioners were the persons to whom such guardianship should be confided; but, certainly, there seemed nothing unfair or unjust in saying, "We will provide that none of these three parties shall suffer damage." If those three parties consented to particular terms, then no damage was likely to result to any of them. He (Lord J. Russell) certainly thought this was a Bill that ought to be considered in Committee; for, if in Committee they found that the security of the last interest he had mentioned—for the first two could hardly be neglected or wronged—was not sufficiently provided for, they might substitute some other body for the Ecclesiastical Commissioners. He must say he was disposed to think, with regard to Clause 8, that the Ecclesiastical Commissioners were not the best body who could be selected for carrying out the measure, and in his opinion the Church Estates Commissioners would be a better body to intrust with the making of the rules. If this Bill had proposed to lay down terms and conditions upon which Church lands should be enfranchised, or the tenure should be changed, then strong objections might have been made against it. He did not see that there was any reasonable ground for opposing the Motion now made. He therefore trusted the House would agree to go into Committee; and as to the last objection, jealousy of the Ecclesiastical Commission, that was a matter which could be amended when they came to the consideration of the clause which appoints that body to decide the question.

MR. HENLEY remarked, that the noble Lord in his speech stated, that there were no reasons urged why the House should not proceed further with this Bill. But he overlooked the fact, that parties who were deeply interested had no time to become acquainted with its provisions. The Committee of the House of Lords had recommended that legislation should be confined to farms and tithes; but this Bill dealt with mines, houses, and other descriptions of property. That was the principal reason urged in favour of delay, and he, for one, thought the reason was conclusive. The arrangements to be made under this Bill were to be regulated by an objectionable board, who might lay down rules and establish principles which rendered the Bill virtually inoperative; and when the lessees themselves came to Parliament to legislate equitably upon this subject, they would be met with the objection that a permissive law was already in existence, which must have a fair trial before any further legislation could take place. One of their objections to the Bill was, that they did not know on what terms the conditions were to be made. The noble Lord said that the lessees would not be damaged, because to any change under this Bill they would be consenting parties. But if this body, on whom he was now desirous to shift the responsibility, laid down rules of which the lessees did not approve, what chance would they have of getting a legislative means for dealing with the matter upon a fair principle? Now, he was anxious to guard against such a state of things as that, and he should support the hon. Baronet opposite in obtaining the postponement of this measure. It was perfectly indecent in the Government to force a Bill of this kind through the House in a manner which no one could have believed. More than one half the Members who had left London had not the most distant imagination that any legislation of this kind was to take place. The measure seemed to him to give an opportunity during the next six months for a few transactions, which had an ugly name which he did not wish to pronounce, that would be the result of the measure. If the noble Lord thought that the body whom he was about to empower to make these regulations, could do that which the Committee of the House of Lords had failed to do, let them by all means put them forward in the shape of a Bill, and bring them under discussion in the next Session of Parliament. If they were upon a sound principle, there would be no difficulty in legislating.

Mr. NEWDEGATE said, it appeared to him that the Ecclesiastical Commissioners were inclined to deny the prescriptive rights on the part of the lessees. He was an advocate for acknowledging the right of the tenant, who held a farm for a certain term, to a beneficial interest in the improvements he might make, for which compensation ought to be made him. There was no provision made by which the interests of these parties were to be estimated in the renewal or commutation of their leases, which had been practically acknowledged, and had acquired prescriptive, though perhaps not technical, legality, owing to the improvements of the properties which the lessees had effected, in reliance on the ancient and continuous practice of renewal. He shrank from the scandal that would be entailed on the Church by withholding that principle, and he therefore wished to have it fully recognised.

Mr. SPOONER supported the Bill, believing it would be for the interest both of the lessees and the Church, that this question should in some way be set at rest. It seemed to him impossible that any injustice could be done under its provisions, as before a lease could be avoided the consent of the lessee as well as of the lessor must be first obtained for the purpose. The report which had been referred to, recommended that in any arrangement that might be made with regard to episcopal and capitular property, due regard should be had to the just and reasonable claims of the present holders of such property, so that their rights were fully and completely recognised. He agreed with the noble Lord, that the administration of a measure of this kind ought not to be intrusted to the Ecclesiastical Commissioners, for he did not think they possessed the confidence of the country; but he would have complete reliance upon the management of the Church Estates Commission. It was most desirable to give facilities for the alteration of the present system of leasing, due regard being had to the reasonable claims of the present holders; and he thought that Parliament ought, without delay, to place the lessors and lessees in a position which would give them an opportunity of settling their property.

Mr. J. A. SMITH considered on the whole, that the wisest and best course the House could pursue, was to go into Committee; but he could not but be of opinion, that a Bill of this importance ought not to have been introduced at such a late period of the Session. He wished to guard himself from giving an unqualified assent to the principle of the Bill; and in Committee he reserved to himself the right of objecting to various portions of it, and proposing such alterations as he might think necessary. It was impossible not to regret that the evidence and report taken upon this question had not been placed upon the table of the House. There was one passage in the latter document against which he must enter his protest. In the last paragraph of the Report, he found the following words :—"And the Committee look forward to the result of such voluntary dealings as furnishing a safe basis for compulsory enfranchisement." Now, he would enter his strong protest against their being taken for any such basis. He did not believe that the interest of the lessees would be best entrusted in the hands of the Ecclesiastical Commissioners, for there was one circumstance which was most discreditable to that body, and that was, in their dealings with the lessees, they charged them 5 per cent, while against themselves they only charged three and a half per cent. It was exceedingly to the honour of the Bishop of Lincoln that he disavowed all share or knowledge of this rule. The whole of the working of this measure would depend upon rules to be made by the Ecclesiastical Commissioners, but which Parliament was not to see before the passing of the Bill.

Lord DUDLEY STUART thought it was only trifling with the House for the Government to attempt to force the Bill with this indecent haste. Considering that the interests of his constituents were deeply affected by it, and that they had not sufficient time to consider its provisions, he would move that the debate be now adjourned.

Motion made, and Question proposed, "That the Debate be now adjourned."

Mr. ALCOCK mentioned the case of a number of sub-lessees of the Bishop of Winchester, who would be placed at the mercy of the first lessee, should the latter choose to enfranchise. On the ground that sufficient time had not been given for consideration, he would vote against going into Committee.

Mr. AGLIONBY was a lessee, and was interested still more for friends whom he could not now consult. He was very anxious to see the question satisfactorily settled, and he should vote for going into Committee and going through the clauses, and in Committee endeavour to get the objections which he had felt obviated, and to introduce amendments; and, if the Bill could be made more satisfactory to the lessees, he should consent to its going on. He wished to say that in giving notice of a Motion to substitute for the Church Estates Commission in this Bill some other independent Commission—he did not care what, but he had suggested the Copyhold Inclosure and Tithe Commissioners—he did not mean the slightest disrespect to the Church Estates Commissioners; personally he should be quite content to leave the matter entirely in the hands of those three gentlemen, and no doubt the public generally felt confidence in them.

Mr. RICE expressed himself entirely of the same opinion as the hon. and learned Gentleman who had just sat down, that all matters would be safe in the hands of the Church Estates Commissioners.

Mr. MULLINGS would be willing to go on with the Bill if he saw in it any indication of a consideration for the dormant interest, the tenant-right, as it was called, of the lessees. He apprehended that some lessees with strips of church land, perhaps adjoining or in the middle of their frehold estates, would purchase upon almost any terms; and those purchases might be taken as the basis of future legislation.

Lord JOHN RUSSELL quite agreed that it would be very unfair to take the prices given in such cases as the rule or basis for a compulsory act; but he also thought it was rather hard upon the parties referred to that they were not to be allowed to enfranchise, even though they would be glad to do it at a high price.

The House *divided* :—Ayes 30; Noes 51: Majority 21.

Question again proposed, "That Mr. Speaker do now leave the Chair."

Mr. J. STUART objected to go into Committee, on the ground of the House not having had time to consider the Bill; and

Mr. FREWEN moved that the House go into Committee on this Bill that day three months. The Government must allow time to consider the measure.

Amendment proposed—

> "To leave out from the word 'that' to the end of the Question, in order to add the words 'this House will, upon this day three months, resolve itself into the said Committee,' instead thereof."

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided* :—Ayes 48; Noes 37: Majority 11.

Main Question put, and *agreed to*.

House in Committee.

Lord JOHN RUSSELL was ready to consent to the postponement of the consideration of the clauses till Monday. He believed no one would have more cause to regret the failure of the Bill, should it fail, than the lessees.

House resumed. Committee report progress.

SUGAR REFINING.

Mr. LABOUCHERE said, he had to present a petition to which he wished to call the particular attention of the House. It proceeded from twenty-three of the great London sugar refining houses for the home market. He believed that in London there were only twenty-four or twenty-five of these firms, so that it might be regarded as the petition of almost the entire trade. It was signed by Mr. Martineau, Mr. Davies, and indeed by all the great sugar refiners in the metropolis. The prayer of the petitioners was, that no alteration whatever should be made in the law relating to sugar refining during the present Session; and they stated that they had heard of two proposals for alteration, one to alter the system of refining in bond generally, and the other to allow certain houses who manufactured in bond for export, to enter their produce for home consumption. Petitioners held that these alterations would injure their trade by the vexatious provisions it would be necessary to make for the protection of the revenue.

Petition ordered to lie on the table.

Sir JOHN PAKINGTON rose to bring forward the following Motion, of which he had given notice :—

> "That in the opinion of this House the British

refiners of sugar should be permitted to refine in bond, and to enter their manufacture for home consumption upon payment of the same duties as are levied upon refined sugar imported into this country."

He feared that, after the unexpectedly protracted sitting of this morning, he should approach the subject which he was about to bring before the House under considerable disadvantage. But he could not allow the Session to close without pressing upon the attention of the Government and the House a question which, if it did not possess a very general and widely-spread interest, was of all the more importance to the parties who were immediately concerned. He approached that subject with no party feeling and no party object. His wish was to make a calm appeal to the House and the Government. He was sorry not to see the right hon. the Chancellor of the Exchequer in his place; but he saw the right hon. the President of the Board of Trade was present, and he would ask Her Majesty's Government to meet him on this topic, not with pretexts or excuses, but in this spirit and this manner, whether or not by reason and argument the question could not be settled; whether on the ground of consistency on the part of the Government themselves, and on strong grounds of justice, a material alteration ought not to be made in the law affecting the refining of sugar in this country. He would put the grounds of his Motion before the House as clearly and as concisely as he could. There were two classes of Her Majesty's subjects affected by the law—one, the refiners themselves, and the other the British grower of sugar in our Colonies. He would, in the first place, advert to the former class. The right hon. Gentleman opposite had just presented a petition from, as he said, a large proportion of the London trade; and he (Sir J. Pakington) was perfectly aware that the refiners of sugar in this country were divided in opinion as to the expediency of the change he was about to urge. He believed that in the metropolis they were so divided, and he held, also, that the majority of the trade in the metropolis were adverse to the change, and he would state the reasons which, in his opinion, influenced them in that view. But, taking the whole of England and Scotland, a very large proportion—one-half numerically—were not only in favour of, but greatly desirous of the change he was about to propose. They already allowed the refining of sugar in bond; they allowed sugar to be refined in bond for exportation, and had done so for the last twenty years; but they would not allow sugar to be refined in bond for home consumption. The consequence was, that a portion of the refiners who refined sugar in bond for exportation were exposed to a double hardship; they were met in the foreign market by the Dutch refiners—the Dutch refiners under the law of Holland received a bounty upon the refined sugar they exported; the amount he was not prepared to state, but he was within the mark when he said the bounty amounted at least to 2*s.* 6*d.* in the cwt. The result of this bounty on the part of the Dutch Government on the refined sugar exported from Holland was, that the refiners in bond for exportation were met by the Dutch sugar in foreign markets, and exposed to a disadvantage so serious that they were unable to compete with the Dutch refiners in the foreign markets. Under these circumstances, they naturally wished to have the option—an option they ought to have—of being able to come into the home market. He would state to the House and to the right hon. Gentleman the course which the refiners in bond were obliged to take to get the sugar when refined into the home market. They were obliged to export it to Jersey or Guernsey, let it touch the land, and then again import it into this country as if it had been exported from a foreign country. Thereby they were exposed to the double freights, and to the hardships of every kind that must result from this circuitous and troublesome, and perfectly absurd practice. He was assured that one of the refining houses in this country had last year spent no less than 1,300*l.* in the charges that resulted from the absurd process of sending sugar to Jersey and Guernsey, that it might be brought back to this country as refined sugar imported from abroad. That was a part of the system, and he called upon the Government to defend it if they could. There were other refiners, especially some of the refiners in Scotland, who, by scientific inventions, had advanced very much in the process of refinement. They converted at a cheap rate the coarser sugar into refined sugar; but if the Government persevered in carrying out the present law, when those days arrived which they contemplated, when all sugars would be on a par with respect to duty in this country, these refiners said their trade would cease, they could not contend with such disadvantages, and it would be impossible for them to come into the market on fair terms. With respect to the petition which the right hon. Gentleman had presented, he admitted at once that there were some refiners who, for their own interests and objects—to which he would presently advert—were adverse to his proposition; but there were many others who strongly advocated that proposition, and he called upon the Government to meet him on this point, namely, that the trade of these persons was seriously injured, and that the Government on their own avowed principles were bound to relieve them. Having said so much with respect to the case of the export refiners, he would no more advert to it, but proceed to the next part of the question, namely, that the Government were bound in justice to our Colonies to carry out fairly their own legislation, and release the growers of sugar in those Colonies from the disadvantages under which they were placed by this law. It was not his intention now to enter generally into the West India question, as he had given notice of a Motion for next Session, that he would call the attention of Parliament to the subject of the sugar duties generally. He would only advert to the legislation on the sugar duties, so far as they affected the question, the law of refining in bond. Some might think that, for reasons of state policy, it was expedient to admit all sugars on the same terms, and to leave the West Indies to the disadvantages that had been imposed upon them; although some might think that course right, he (Sir J. Pakington) thought it wrong. Yet no one on either side of the House would deny that great hardship had been inflicted upon our West Indian Colonies. Therefore he contended that in carrying out their own legislation, the Government had no right so to shape their law as to inflict additional injustice, and that when they proposed to place all sugars, foreign and British, on an equality in duty, they placed the British sugar grower in a position of great disadvantage and injury. At present there was a differential duty of 5*s*. 6*d*. placed upon brown clayed sugar in favour of the British grower; that was what the Government professed to give from the 5th of July last; but such was the operation of their law regarding the refining in bond, that in consequence of the difference in quality between the British growers' sugar and the foreign sugar, at least 18*d*. per cwt. was taken from their nominal differential duty, and the differential duty that professed to be 5*s*. 6*d*. was not more than 4*s*. That was not fair. He would not dwell upon the state of the law as it affects the British grower at the present time; he thought he should make the argument stronger and clearer to the House if he anticipated a little, and looked forward for the next three years, and carried forward the House to the time, in 1854, when all sugar, British and foreign, would be placed on an equality; and he should proceed to show that, instead of equality being the result, the British grower would be placed in a position of unjust disparity and disadvantage. After 1854 there would, under the Sugar Duty Act, be three rates of duty payable; on the refined sugar imported, 13*s*. 4*d*. per cwt.; then there would be the white clayed sugar; and then would remain the British Muscovado and the foreign brown clayed. The whole of that sugar would pay the same duty, namely, 10*s*. per cwt. Upon the inferior sugar of the East Indies, and upon the superior sugar of Havana and Java, they would pay 10*s*. duty. He was sure that the difference in quality of those sugars was no less than this, that while the cwt. of coarse raw sugar from the East Indies would produce only 50 lbs. when refined, the cwt. of superior sugar from Havana and Java would produce as high an amount as 90 lbs. when refined. As the law stood, all sugar was to pay the duty in the raw state, and they imposed upon the inferior sugar of the East Indies, producing only 50 lbs. from the cwt. when refined, the same duty that they exacted from the superior sugar of Havana and Java, which produced 90 lbs. in the cwt. when refined. He was taking the admitted extreme cases; but it was unfair to expose the sugar of the East Indies to the same rate of duty as the sugars that came from Cuba and Java. He asked, therefore, the Government to allow the refiners to refine the sugars first, and then to pay the duty; the result would be, to make the duty an *ad valorem* duty; no injustice would then be inflicted, and the inferior sugar, producing 50 lbs. to the cwt., would be no worse off than the superior sugar producing 90 lbs. And here he must remind the House that the principle of the sugar duties was *ad valorem*, but the principle of equal duty on unequal quality was unjust and unfair to carry out; and all he asked on behalf of our West Indian colonists was that the Government would allow them to pay the duty which their sugar was really worth; let them pay duty on what they produced, and let not Government, under the pretence of putting the same duty upon foreign and British produce, inflict a great practical disadvantage on the British grower. What would be the answer the Government would give to this Motion? He was sorry to observe that the noble Lord at the head of the Government was not present. That noble Lord would confirm him when he said that an influential deputation of sugar refiners had waited upon him in order to press their case upon his attention. He (Sir J. Pakington) was one of a deputation on the part of the West Indies, who had waited upon the Chancellor of the Exchequer to represent the injustice of their case, and that right hon. Gentleman heard courteously every statement advanced by the deputation, and—with all the discretion of an official man—said nothing. In that House, however, they could not be blandly smiled at and bowed out, and they hoped to hear the answer of the Government, and how they met a case that was so entirely founded upon reason. He saw opposite to him the hon. Member for Westbury (Mr. J. Wilson), who had formerly expressed an opinion on the subject, and of such a character that he could not help hoping that amongst his supporters that day he would find the hon. Gentleman. The hon. Gentleman was, as he (Sir J. Pakington) was, a Member of the Committee that sat in 1848, under the able presidency of his lamented Friend Lord George Bentinck. In that Committee several sets of Resolutions were moved, amongst others, the hon. Member for Westbury himself proposed a series of Resolutions. The hon. Gentleman seemed to doubt what he stated; but he rather thought that he was correct, at least to this extent—the hon. Gentleman's Resolutions were not put to the Committee, because on a division it was decided they should not be put; but the hon. Gentleman brought Resolutions forward, and they stood at that moment in the report in his name. He (Sir J. Pakington) had seen them that day, and one of the Resolutions was to the effect, "that from the evidence taken by the Committee, it appears clearly that the present mode of levying the duty on sugar, without sufficient regard to the variation of quality, imposes a great practical disadvantage upon the producers in many of the British Colonies." Omitting the words "without sufficient regard to the variation of quality," the Resolution was carried, and that Resolution recognised the principle for which he (Sir J. Pakington) was contending. The hon. Gentleman afterwards, in a discussion in that House in 1848, stated that the privilege of refining in bond would be an advantage to all those colonies; and in the same year he expressed his regret that the Government had come to the conclusion that for the present they could not introduce a measure for refining in bond. He found, also, the Chancellor of the Exchequer, in the same year (1848), stating, "he was sorry to say that the result of their communication with his hon. Friend the Member for Westbury had led the Government to conclude that for the present"—he (Sir J. Pakington) begged the House would remark the expression—"they could not introduce a measure for refining in bond; he was far from underrating the importance of such a measure, if it could be carried into effect with due regard to the interests of the revenue, and those engaged in the sugar-refining trade." The parties to whom he had referred (the refiners), required that the measure should be postponed for that Session (1848). He (Sir J. Pakington) would not pretend that any promise was here given; but when he heard the Chancellor of the Exchequer using the expression in 1848 that for the present he must postpone bringing in a measure to carry out those views, it raised a presumption on the part of those whose interests were deeply at stake, that it was in the contemplation of the Government at some future day to bring in a measure of that kind. In the speech of the President of the Board of Trade on that occasion there was this expression:—"With respect to the proposal of allowing sugar to be refined in bond, he altogether agreed with the Chancellor of the Exchequer that if it were possible to do it consistently with the security of the revenue, it would be a most important boon to the West Indies." The right hon. Gentleman would admit that if he had made so large an admission as that such a measure would be an important boon to the West Indies, that justified him (Sir J. Pakington) in calling upon the right hon. Gentleman to show how the revenue would suffer by his conferring it. He must now advert to that class of refiners who objected to his proposition. He wished to speak of them with all possible respect;

no body of mercantile men could be found in any country in a higher position, and the only allegation he had to make against them, in respect to the proposed change, was, that, like all other human beings, having a good thing, they wished to keep it. He would state what he believed to be the secret of their object. The right hon. Gentleman had said, there were only about twenty-five refiners in London, and that was the secret of their objection. Under the present law, no man could enter into the refining trade without having very large capital. When he bought the sugar, he had not only to pay the value of the sugar, but the amount of duty. The consequence was, that the trade had fallen into a very few hands; and he believed that they practically enjoyed a monopoly, and that it was their desire to maintain it; and he was told that ten or twelve of those gentlemen, by acting together, did and could control the sugar market to an extent that was perfectly inconsistent with the interests of the consumer. That was the mode in which he dealt with the objections that were made by a certain portion of the refiners in London to the change of the law which he was now venturing to press upon the House. As an illustration of the mode of dealing among a certain portion of the London trade in reference to the alteration he proposed, let him relate to the House a little incident which occurred last month, and which confirmed the view he had taken. The House was probably aware—the right hon. Gentleman was well aware — that under the present system a fall took place in the duties of 1*s*. on British and 1*s*. 6*d*. on foreign sugars. No sooner had that fall taken place on the 5th of July, than a more than proportionate fall occurred in the prices of sugar; since then the price of sugar had fallen 2*s*. per cwt., but the price of refined sugar had not fallen at all. It remained now at the price it had been before the fall in the price of raw sugar, and therefore the refiners were now pocketing that reduction of 2*s*. per cwt.; and the British public, for whose interest the House legislated, had derived no benefit whatever from it. That fact went a long way to show that he had not taken an illegitimate or unfair view of the real object of these refiners. He was sure the sugar-brokers of the metropolis would be opposed to this change. They were paid one-half per cent on the sales they make; and if the House agreed to make the alteration proposed by him, and allow the duty to be paid after the sugar was refined, the consequence would be that the raw sugar would be sold at a price minus the duty, and the broker's per centage would be smaller in amount. Looking to these refiners; looking to any other class which had an interest of its own in this matter, he asked the Government to bear in mind the principle upon which they had acted—to remember that they had acted on the principles of free trade in the changes they had made in the commercial law, and that they could not in common justice, be now influenced by the interest of these refiners, or by the interests of any other body of men, to resist this Motion. What were the grounds of resistance? He was very sorry not to see the right hon. Gentleman the Chancellor of the Exchequer in his place; for though he was silent with the deputation, he believed the only objection he could openly urge was that he apprehended danger to the revenue. On this point he (Sir J. Pakington) challenged the right hon. Gentleman to meet him. If the revenue would be endangered by the change, let him show how. He (Sir J. Pakington) understood it was said that it would be endangered in two ways—directly by the diminution of duty, and indirectly by fraud upon the revenue. As to the first point, with respect to the direct reduction, he admitted that if they made the change, the result would be this—that all the inferior sugar would be refined before duty paid, and all the higher class sugar would pay the duty and be refined afterwards; and he admitted that if such a state of things came into operation, the revenue would suffer; but still he would say that they had no right to recruit their revenue by an admitted injustice: the right hon. Gentleman opposite had admitted the justice of this change. He had no objection to a compulsory law that all sugars should be refined in bond. All he said was, "Do justice to your own sugar growers." If they thought the revenue would suffer, why then, if they liked, they could make it compulsory that all sugar for home consumption should be refined in bond. He would not object to it; and as regarded the revenue, they would derive a higher revenue from the superior sugars, which would make up for the loss they would have on the inferior sugars. With regard to the other portion of the argument that might be urged, namely, the indirect loss, he asked the right hon. Gentleman to tell him how it could occur? They might find it necessary to make new arrangements; but this was not a new matter, for they had been refining in bond for twenty years. It had been done for exportation, he admitted; but they would have as much facility in refining for home consumption as they could have in refining for exportation. The only difference would be that the transactions would be on a larger scale. He had never heard of any fraud on the revenue as resulting from the practice going on for twenty years of refining sugar in bond for exportation; and he did not believe there was so much danger as it was the interest of some parties to make them believe in extending the principle to refining in bond for home consumption. The hon. Baronet concluded by moving in the terms of his notice.

Motion made, and Question proposed—

"That, in the opinion of this House, the British Refiners of Sugar should be permitted to refine in bond, and to enter their manufacture for home consumption, upon payment of the same Duties as are levied upon Refined Sugar imported into this Country."

Mr. LABOUCHERE said, it now became his duty to state to the House—which he would endeavour to do in as few words as possible—the reasons why, in his opinion at least, they ought not to agree to the Resolution of the hon. Baronet. He must first, however, express his regret at the unavoidable absence of his right hon. Friend the Chancellor of the Exchequer, who had devoted much attention to this subject, received many deputations upon it, and considered it with every desire to relieve the trade from all restrictions from which he could liberate it consistently with the interests of the revenue, and with a view to give to the British colonial interest, and particularly to the West Indies, every advantage it was possible to extend to them in reference to this question. He begged it would be understood, in the first place, that he did not at all dispute with the hon. Baronet that the restrictions imposed on the refiners of sugar, like the restrictions imposed on any other trade, operated on them unfavourably. There was no doubt that if sugar could be imported free of duty, and refined either for home consumption or for exportation, without the Government troubling themselves about securing, in the process, any revenue by the imposition of any restrictions whatever, all the parties concerned would be very greatly benefited, and an advantage would be derived by the West Indian and other sugar-producing colonies, and by the consumers in this country. But this was not at all the question before the House. The House was aware that 4,000,000*l.* were levied on this article; and unless hon. Gentlemen were prepared to jeopardise that revenue, the only question for consideration was, whether there were any restrictions which might safely be removed as injurious or superfluous. Now he could assure them that the whole matter had been repeatedly looked into by the Government, with a desire to free the trade from all restrictions that could possibly be removed; and, after full investigation, the Government had with great reluctance come to the conclusion not to disturb the present system of separating the refiners of sugar in bond for exportation from the refiners of sugar for the home market. As regarded the case of the Colonies, on which the hon. Gentleman had laid great stress, he could assure the House he felt as strongly as the hon. Gentleman could do, that it was their duty, as well as their interest, to free our Colonies, and especially our West Indian Colonies, from every commercial impediment, the effect of which was to fetter their industry or to interfere with their prosperity. The hon. Baronet stated that the grievance under which the West Indian colonists suffered by the existing system was, that they exported their sugars in the coarse state, differing in that respect from the sugar exporters of Cuba, Java, and others, and that the consequence was that as the duty was paid, not on the sugar when refined, but on the sugar as it entered this country, they were, in point of fact, subjected to a discouragement by a duty which was meant to apply equally. Now this question had been much considered by the Committee which sat in 1848, and over which Lord George Bentinck presided. It was quite true that the hon. Member for Westbury (Mr. J. Wilson), one of the Members of the Committee, acknowledged at that time, with other Gentlemen who sat on the Committee, that as the scale stood, a substantial grievance had been made out on the part of British producers. But did no alteration in the law take place in consequence of this investigation? The hon. Baronet was perfectly well aware that at the recommendation of the Committee—a recommendation made in reference to this special grievance—a material change in the law took place. An intermediate duty on brown clayed, between Muscovado and white clayed, was agreed to, in order to meet this particular case. In some degree, therefore, this grievance had been dealt with. [Sir J. PAKINGTON: But my Motion is prospective.] No doubt; but the Motion did not refer to 1853-4; and in the month of August, it was quite sufficient to argue as to what might be or ought to be done in 1851. Another alteration, diminishing the difficulty complained of, had been made in regard to the management of sugar in the Colonies. He believed that the quality of the sugars imported from British possessions approached now much more nearly the quality of foreign sugars than at any previous period. In both the East and West Indian sugar-producing colonies there had, of late years, been considerable improvement in the process of working sugar; and the result had been that the sugar from these places competed favourably in quality with sugars of Cuba, and other foreign sugars of sugar-producing countries. It could not be otherwise than satisfactory to the House to know that there was no reason to suppose that there had been any diminution in recent years in the quantity of sugar imported into this country from our Colonies. In ascertaining this fact, he looked to the triennial averages, which appeared a fairer test than the figures of a particular year. He admitted that this year the importation from the West Indies had fallen off; but he believed that this was chiefly to be ascribed to the calamity which had occurred to Jamaica—the cholera, which had committed such ravages in Jamaica, had deprived that colony of its required number of labourers, and there had been a consequent decrease in its usual exportation of sugar; but he believed that from none of the other West Indian colonies had there been any material diminution. Taking the triennial averages, the general result was most satisfactory; and, while considerable benefit had been conferred generally on the revenue from the entire importation, there was no reason to suppose that any injury had been inflicted on the Colonies. He would not read the items; but the totals of the triennial averages were these: In the three years, 1839 to 1841 inclusive, there were imported from the British West Indies 2,389,570 cwt.; from 1842 to 1844, inclusive, 2,487,401 cwt.; from 1845 to 1847, inclusive, 2,733,718 cwt.; and from 1848 to 1850, inclusive, the total amount imported was 2,740,649 cwt.; being a trifle more than in the three years preceding. From the Mauritius the increase had been greater. For the first triennial period there were imported from the Mauritius, 620,734 cwt.; for the second period, 568,590 cwt.; for the third period, 918,313 cwt.; and for the fourth period, 929,099 cwt.; and from the East Indies, for the first triennial period there were imported 746,864 cwt.; for the second period, 1,044,911 cwt.; for the third period, 1,386,169 cwt.; and for the fourth period, 1,381,090 cwt. While, therefore, the general supply of sugar had increased, to the great advantage of the revenue, and to the great benefit of the consumer in this country, it was apparent that the gratifying result had not been accomplished by a sacrifice which he, for one, should greatly lament—the sacrifice, namely, of the sugar-producing interests of the British possessions. And as to prices, those interests had no ground for complaint. Taking the last four years, up to the 31st December, the price of Muscovado, East and West Indian sugar had been, in 1847, 22*s.* per cwt.; in 1848, 22*s.* per cwt.; in 1849, 26*s.* per cwt.; and in 1850, 27*s.* per cwt. Thus, therefore, the larger supply to this country had not been accompanied by anything like that ruin to the West Indian colonies which had been predicted. He would admit, then, that if sugar-refining in bond for home consumption could be allowed, it would be a boon to the West Indian producer; and he thought that that boon ought to be granted, unless very serious practical objections could be urged to the concession. He would now, therefore, state the real objections to the Motion of the hon. Baronet. The hon. Baronet had treated rather lightly that petition from London sugar refiners which he (Mr. Labouchere) had laid on the table that evening. The hon. Baronet had represented that this petition was only signed by a majority of the sugar refiners of London. He (Mr. Labouchere) begged to inform the hon. Baronet that it was signed by nearly every one of the sugar refiners of the metropolis; and he further begged to remind the hon. Baronet that the sugar-refining trade of London was somewhat larger than the whole sugar-refining trade of the rest of the United Kingdom. The hon. Baronet had said that the sugar refiners were divided in opinion. There was no doubt that they were; but they were divided most unequally. The hon. Baronet had suggested that the sugar refiners of Glasgow and of Liverpool were of a very different opinion from the sugar refiners of London. But that was not altogether the case. One of the gentlemen who had signed the petition referred to was Mr. Fairrie, the proprietor of one of the most extensive sugar-refining concerns in the kingdom. This gentleman had a refinery not only in London, but in Liverpool and Glasgow, and, in signing the petition, he represented the trade generally. He (Mr. Labouchere) denied that among the sugar refiners out of London there was anything like a unanimous belief that the alteration proposed by the hon. Baronet would be generally useful to them, or advantageous to their trade. He denied that they were at all satisfied that such a proposal could be assented to without subjecting their trade to new restrictions of the most mischievous description. When the case had been first submitted to the Government, the Chancellor of the Exchequer went into it with the utmost desire to arrive at a conclusion enabling him to grant a greater amount of freedom to the sugar refiners. He (Sir C. Wood) saw repeated deputations on the subject; and eventually he employed some of the most experienced officers of Excise to examine into the process of sugar refining, and to report upon the effect which the suggested change in system would have upon that process as respected the interests of the revenue. And when that report was submitted to the sugar refiners they did not gainsay the assertion of the Excise officers that certain severe restrictions would be necessary if the revenue was to be protected; and they replied that they would not thank the Government for a boon which would be so accompanied. The hon. Baronet had admitted that if his proposal were adopted, and the refining in bond for the home market were to be permitted, the system would have to be made general and compulsory.

Sir JOHN PAKINGTON had not said this. All he had said was, that if making the system compulsory, or to meet the objection of the Government as to revenue, he would have no objection to it.

Mr. LABOUCHERE: Yes; but though the hon. Gentleman assented, it was a fact, that the trade generally greatly objected to rendering such a system compulsory. The Excise officers had said two things: first, that if such a system were to be allowed at all, it must be compulsory and universal, all refining houses to be on an equal footing; and, in the next place, that restrictions, for the sake of revenue, would have to be introduced, which would be so burdensome and harassing as to interfere with the actual working of the concerns. The reasons upon which the latter opinion was based, were of a very technical character, not easily explicable to the House; but, briefly, the cause necessitating restrictions would be this. Sugar refining was not a single, simple operation. You could not take a lot of sugar, refine it, and have done with it. Were this so, the check would be easy; for by the sugar gone in, a calculation might be made as to the sugar which ought to come out. But this was not the case. After one batch of sugar had been refined, a sort of syrup remained, which went to the next batch, and in this way it might be said that sugar-refining was a perpetual operation, the residue of one working being used in the next working—thus leading to a system, on the part of the Excise which, if extended, would be of practical inconvenience to the trade. The question of the hon. Baronet was, why, if they allowed sugar to be refined in bond for exportation, not allow the same to be done with sugar for home consumption? It had to be considered, however, that the trade of sugar refining in bond for exportation was in the hands of very few houses. The operations of these firms were conducted on a great scale. Their buildings had been constructed specially for these extensive operations, and all their arrangements were of a kind admitting of perfect security to the revenue. But if the proposal of the hon. Baronet were acceded to, and other parties were to be permitted to refine in bond for the home market, those parties would, in many instances, have to alter the situation of their premises, and to build new premises; and after all this had been done, there would be still the risk of such evils arising as to compel the Government to put a stop to the whole system. These were the considerations which had been placed before his right hon. Friend the Chancellor of the Exchequer; and persons of practical experience and best informed on the points at issue having represented the consequences which the proposed alteration would entail, his right hon. Friend would obviously have been wanting in his duty as guardian of the public purse, had he allowed any relaxation of system likely to injure so seriously the revenue. As far as he (Mr. Labouchere) was informed, the parties who urged the change were parties having two establishments: one establishment for refining sugar in bond for exportation; and a second establishment, out of bond, for the supply of the home-market. Now, it was represented that if such parties were permitted to work the two systems in the way they wished, the greatest injustice would be inflicted on all others in the trade in consequence of the inequalities which would arise; and that such parties alone would be the gainers by the change. In confirmation of the views which he had urged on the House, he could not do better than read the resolutions which had been passed at a full meeting of the sugar refiners of London, called together in April last to consider this proposal; and he had no doubt that such a declaration of opinion from individuals who were themselves deeply engaged in the trade would have great weight with hon. Gentlemen. The resolution was as follows:—

> "The special business for which the meeting was also summoned, namely, the question of refining in bond, was then considered, when, it being understood that a deputation of Scotch refiners had applied to Government for permission to refine in bond, paying the duties on the various extracts of the refining, and the trade in London having been requested to co-operate in promoting their object, in was resolved—'That in referring to the report made by the officers of excise when the subject of refining in bond was investigated by them in 1849, wherein it was stated, that in order to protect the revenue from fraud, it was necessary to impose inconvenient restrictions on the working of the sugar houses, and having fully considered the present state of the sugar trade, it does not appear to this meeting for the interest of the trade to press upon the Government at the present time the introduction of a law for altering the system of working the refineries.'"

He now submitted to the House that under these circumstances, and at this period of the Session, it being proved that the great body of the sugar refiners were averse to the alteration, on the ground of the inequality which would be produced, and of the inconveniences which would arise; and it being further ascertained from the most experienced Excise officers that such a change would be attended with risk to the revenue if the most severe restrictions were not resorted to—it would be in the highest degree inexpedient to agree to the Resolution proposed.

MR. MITCHELL thought that even at this period of the Session the sugar refiners, who were pressing this change, would see no reason to regret that the hon. Baronet had brought his proposal forward, if it were only that it had elicited the speech which the House had just heard. He (Mr. Mitchell) was astonished that the right hon. Gentleman, with his great experience in commercial matters, should have ventured to resist this Motion upon grounds so exceedingly weak and narrow. He (Mr. Mitchell) had taken some part in this matter, and wished to explain the course he had thought it right to adopt. Two or three months ago some sugar refiners had submitted their case to him, and had represented that they were very badly treated. They desired him to undertake urging their claims on the House of Commons, and when he asked them to make their limited proposal general, they answered that it would be better to commence by a small Motion this year, and in the next Session to base on that a much larger proposal. He then entered a notice of Motion on the paper in compliance with their wishes. Subsequently the hon. Baronet gave notice of a larger proposal; and as he (Mr. Mitchell) had seen no objection whatever to the principle involved, he withdrew his notice, and offered to support the hon. Baronet. The case had been fully made out that evening by the hon. Baronet. It had been proved that the sugar refiners were subjected to the greatest injustice in their competition with foreign countries. The right hon. Gentleman laid the chief stress in his objections to the Motion on the petition and resolution of the London sugar refiners. But what did these prove? Simply that certain gentlemen, having got a monopoly, were anxious to keep it. The right hon. Gentleman had said a good deal as to the danger to the revenue which would accompany a change; but he had given no reasons for that supposition. He (Mr. Mitchell) placed very little reliance upon the reports of either excise or customs officers. These persons were trained in a particular system, and were always disinclined to adopt any improvements. The right hon. Gentleman judged very harshly in supposing that the sugar refiners were capable of defrauding the revenue. It was absurd to suppose that great capitalists would place themselves in the power of their workmen.

Notice taken that Forty Members were not present: House counted; and Forty Members not being present,

The House was adjourned at a quarter before Nine of the clock.

HOUSE OF LORDS,

Saturday, August 2, 1851.

MINUTES.] PUBLIC BILLS.—1ª General Board of Health (No. 2A); Metropolitan Interment.

2ª Metropolitan Sewers; Coalwhippers (Port of London); Lunatics (India).

Reported. — Inverness Bridge (No. 2); Customs; Sheep, &c. Contagious Disorders Prevention; Commissioners of Railways Act Repeal; Lands Clauses Consolidation (Ireland); Steam Navigation.

3ª Mercantile Marine Act Amendment; Medical Charities (Ireland); Grand Jury Cess (Ireland).

Their Lordships met; and having gone through the business on the Paper, House adjourned to Monday next.

HOUSE OF COMMONS,

Saturday, August 2, 1851.

MINUTES.] PUBLIC BILLS.—1° Leasehold Tenure of Land (Ireland) Act Continuance.

3° Metropolitan Interment; General Board of Health (No. 3); Church Building Acts Amendment; Petty Sessions (Ireland); Summary Jurisdiction (Ireland); Constabulary Force (Ireland).

THE CASE OF ROBERT ERSKINE, AT CAPE COAST CASTLE.

SIR EDWARD BUXTON wished to ask the hon. Gentleman the Under Secretary of State for the Colonies a question respecting the case of Robert Erskine, at Cape Coast Castle, towards whom great cruelty had been practised. This person, having been accused of robbery, was cruelly tortured by order of two officers in Her Majesty's service, named Murray and Stewart, with a view to make him confess. He wished to ask the hon. Gentleman whether he would inform the House of the nature of the correspondence that had passed between the Colonial Office and the Commander-in-Chief in respect to this matter?

MR. HAWES said, if the hon. Baronet would move for the correspondence, he would be quite willing to assent to its production. The case was one, no doubt, of great atrocity; but being committed by individuals not in the service of the local government, it unfortunately did not come within the operation of the statute for the punishment of the offences committed within the colony. The case was brought subsequently under the notice of the Commander-in-Chief, and he (Mr. Hawes) would read to the House the concluding paragraph of a letter which he had received from Lord Fitzroy Somerset, conveying the Duke of Wellington's decision on the subject:—

"In reply I have to acquaint you that his Grace also feels that imputations of great seriousness are raised and supported by a considerable body of evidence against officers in Her Majesty's service; but having considered the whole matter with most anxious attention, and being advised that the officers in question cannot be tried or punished by court-martial for an offence committed now three years ago, his Grace is at a loss to suggest to Earl Grey what further proceedings could be taken against them.

"FITZROY SOMERSET."

The House adjourned at a quarter after One o'clock until Monday.

HOUSE OF LORDS,

Monday, August 4, 1851.

MINUTES.] PUBLIC BILLS.—1ª Removal of Doubts as to Penalties on Assumption of Ecclesiastical Titles; Collection of Fines, &c. (Ireland); Constabulary Force (Ireland); Summary Jurisdiction (Ireland); Petty Sessions (Ireland); General Board of Health (No. 3); Canterbury Association.

2ª Coal Duties (London and Westminster and adjacent Counties); General Board of Health (No. 2A); Emigration Advances (Distressed Districts, Scotland); Metropolitan Interment; New Zealand Settlements.

Reported.—Metropolitan Sewers; Coalwhippers (Port of London); General Board of Health (No. 2); Lunatics (India).

3ª New Forest Deer Removal, &c.; Inverness Bridge (No. 2); Sheep, &c. Contagious Disorders Prevention; Customs; Commissioners of Railways Act Repeal; Steam Navigation.

EMIGRATION ADVANCES (DISTRESSED DISTRICTS, SCOTLAND) BILL.

The EARL of MINTO, moved that the Bill be now read 2ª.

The DUKE of NEWCASTLE, though he would not oppose the second reading, thought that the Bill was open to serious objections. He did not complain of the advance of public money for the purpose proposed, being fully aware of the distress which existed in the Highlands and Islands of Scotland, and of the praiseworthy manner in which many of the landowners had exerted themselves to alleviate it; but his objection to the Bill was, that it diverted from their proper channel funds which had been voted in previous Sessions for the purpose of promoting the drainage of lands in Great Britain and Ireland. He did not believe that there would have been any objection to a distinct grant for the purpose now proposed; but he was sure that the other House of Parliament would not have sanctioned this diversion of the public funds if attention had been drawn to it earlier in the Session.

The DUKE of ARGYLL agreed, that it would have been better if a distinct grant had been taken for this purpose; but though he admitted that this money had been voted for promoting the drainage of lands, yet he thought that the noble Duke had put the case somewhat too strongly. If they came to the principle of the thing, it was very questionable whether the advancing of money merely for improving land was quite justifiable; but this particular loan had acquired a completely new feature in consequence of the distress which had arisen in Ireland. For a long period no one had taken advantage of the loan; but when that distress arose, it was found to be an important auxiliary means of alleviating it, and an additional sum had been advanced for the purpose. He thought that the loan was only justified by the distress; and he could not recognise the principle that Government should lend money to landowners any more than to others engaged in business, unless there was great distress existing.

Bill read 2ª.

METROPOLITAN INTERMENT BILL.

The EARL of CARLISLE, moved that the Bill be now read 2ª.

The BISHOP of LONDON was desirous of expressing his regret that more effectual powers had not been given to the General Board of Health. More harm than good would be done unless full power was given to the Board to purchase existing burial grounds, to compensate existing interests, and to establish a great comprehensive system, under which the sepulture of persons dying in this vast metropolis should be conducted with economy, decency, and a proper and due regard for human health and life. Hitherto the clergy had been compelled to be the unwilling executants of an indecent practice, because there had been no means provided for extramural interments. The question of compensation, also, was one that was not touched upon. He (the Bishop of London) knew it was the fashion of the times to taunt the clergy with unceasing attention to their own pecuniary interests. Now, the clergy were in many instances entirely dependent upon the burial fees; and in removing an existing evil, which had grown up by no fault of theirs, he was sure their Lordships would not wish to deprive those excellent and laborious men of any considerable portion of the small pittance which they received as a remuneration for their labours. In consequence of the impediments which had been thrown in the way of those operations which the Board of Health were anxious to commence, he understood that a great commercial speculation was now on foot, and he certainly saw no obstacle to prevent the establishment of a great necropolis, as it was called, at such a distance from London as to be beyond the limits of the jurisdiction of the Board of Health: that would but concentrate and aggravate the evil, and no compensation would be provided for those who were thus deprived of a great portion of their incomes. However, that, he thought, was a minor evil, compared with those which must arise from the establishment of a great commercial necropolis. He desired to thank the Members of the Board of Health for their exertions, and for the readiness with which they had listened to the representations of himself and his clergy; and he had also an especial wish to take that opportunity of thanking most cordially the noble Earl opposite (the Earl of Shaftesbury), in his own name, and in that of the ministers of religion over whom he was called upon to preside, for the great services he had rendered in the great cause of sanitary and social reform. Every succeeding year had tended to confirm him in the opinion which he had long ago expressed, that they might build churches, and found schools, and carry into effect all those numerous devices for which the charity of this great Christian country was eminently conspicuous; yet they would do little good (in the large towns, at least), unless they could remove a great portion of those physical evils which sunk the labouring classes of this country to the lowest depth of degradation, and which prevented the access of those who would bring them the light and consolation of the gospel. He, therefore, begged to thank the noble Earl for the interest he had taken in that subject, and the benefit which had resulted from his exertions.

EARL GREY assured the right rev. Prelate that he heartily concurred with him in the tribute which he had paid to the noble Earl opposite for his efforts in the case of sanitary reform. He also concurred with him in regretting that a measure had not been earlier adopted upon this matter of interments. He had a strong opinion of his own, also, that the point of the remuneration of the clergy was one which most undoubtedly ought not to be overlooked. He requested their Lordships, however, to retain their opinion until the papers which had been moved for by the noble Earl on the cross-benches (the Earl of Harrowby) —the Minutes of the Board of Health relating to the Metropolitan Interment Act, since August, 1850—should be laid upon the table of the House, when he should be prepared to defend the course which the Government had taken on this question.

The Earl of SHAFTESBURY begged to express the high sense which he felt of the disinterested generosity with which the metropolitan clergy had entertained the proposals made by the Board of Health; and he might say that in no one instance had any obstacle been offered on their part to the sanitary remedies which had been suggested. It was proposed by the present Bill that a sum of money should be advanced to the Board, for the purchase of one or two cemeteries, and to close a certain number of graveyards. He begged their Lordships to observe, however, that the moment a graveyard was closed, the question of compensation would arise, and not merely of compensation to the clergyman, but to the churchwardens, the fees due to whom amounted to nearly two-thirds of the whole amount charged on burial. These fees could only be covered by corresponding charges made by the Board of Health upon interments within the ground which they had purchased, and consequently it would be well worth the while of the cemetery companies to make very low charges for burials, so that the whole mass of interments would fall into their hands. The noble Earl the Secretary for the Colonies said the other night that the Board of Health had carried out the great objects which they had in view, at a sacrifice of the minor object of closing some of the worst graveyards in London, and opening new places of interment. That object, however, had not been overlooked by the Board; but it was clear that if they had but one or two cemeteries, they could not enter into competition with the cemetery companies. The Board were resolved never to admit the unhealthy and disgusting practice of what was called "pit-burial," but to commit only one corpse to one grave. But the effect of this Bill would be to drive all the poor burials into the hands of the established cemetery companies; and a measure better calculated to increase the value of their shares could not be devised. One of the objects most steadily kept in view by the Board was to diminish the cost of burials; but under this Bill no provision whatever was made for that purpose, and he felt no doubt that, in very many instances, the cost of interment would be greatly increased. He would now refer to another topic, on which, however, he would be very brief. He would put the case of a man saying, in another place, that he supposed the Board of Health would come to the Government next year for half a million of money. He would imagine also a high public functionary replying that the important question for him and for the public was not whether they would ask for it, but whether they would get it. Was that the manner, he would ask their Lordships, in which a Gentleman should speak of a public Board, when he knew that the Board of Health had not only not demanded money, but had told him that they would not ask for it? When those minutes were produced, which the noble Earl the Secretary of State had promised should be forthcoming, they would show that the fact was as he had represented it, and therefore he considered that very hard measure had been given to them. The Board of Health was constituted in 1849, and in 1850, contrary to the advice which they tendered to the Government, and very much against their own inclinations, they were invested with jurisdiction over interments. Was there anything agreeable, he would ask their Lordships, in sitting till seven, or eight, or nine at night, collecting evidence on this subject of the most horrible and disgusting kind? Was it nothing to examine the receptacles of corruption, and to obtain by personal inquiries of the most painful nature, a full knowledge of the evils which were to be abated, in order that an effectual remedy might be applied to them? Was it not clear that every species of opposition and misrepresentation must be encountered on the part of undertakers, cemetery companies, and ratepayers? The Board of Health expected all this; but they thought that the Government, knowing their position, and having imposed on them a duty which they did not seek, but rather had declined, would give them an honest and conscientious support, when they fell into a difficulty which was not occasioned by any fault of their own. As long as he could do so he would serve his country; but he must say that while men were acting in a public capacity, they had a right to expect that the Government of the country would, if they could not be counted amongst their supporters, at least not be ranked amongst the number of their enemies.

The EARL of CARLISLE said, that he would not enter into the consideration of discussions which had taken place in the other House of Parliament, out of regard to the rules which regulated the debates in their Lordships' House; but of one thing he was morally certain, and that was, that no intentional disrespect could have been offered to the noble Earl or his Colleagues. Come what might, he, at least, could never be insensible to the benefits which they had conferred on the public health. The Government had all along felt that, great as were the difficulties of passing this measure, the difficulty of working it would be still greater. Under such circumstances, public feeling, once very strong in favour of such a measure, had gradually cooled down. Nevertheless, such were the inherent advantages of the measure, that he was confident it would be got fairly under weigh, and the benefits which had been anticipated from it would be realised.

The EARL of HARROWBY considered that the effect of this Bill would be to set up the Board of Health as a trading company, exposed to disadvantages to which the cemetery companies were not subjected. The noble Earl had not removed any of the objections made to the Bill, and unless he did so he thought that the impression among their Lordships would be that it would be better to leave the Bill alone.

The EARL of CARLISLE said, that the Government thought it would be practicable for the Board of Health to purchase two cemeteries, and close some of the worst graveyards in London, which without the Bill they could not do. He would not conceal from their Lordships that the Bill did not meet all the objections which had been urged against it; but still he must leave upon them the responsibility of its rejection.

The EARL of SHAFTESBURY hoped that his noble Friend would not divide the House against the Bill; but he must repeat his conviction that it was quite impossible the Board of Health could stand a competition with the cemeteries. The money proposed to be advanced was insufficient, and if the Board closed graveyards, and made use of it, they would have to come to Parliament next year for a much larger sum.

On Question, *Resolved* in the *Affirmative;* Bill read 2^a accordingly.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, August 4, 1851.

MINUTES.] PUBLIC BILL.—3° General Board of Health (No. 4); Canterbury Association.

EXHIBITION OF 1851.

LORD JOHN RUSSELL appeared at the bar, and said: Sir, Her Majesty has been pleased to give the following gracious answer to the Address recently presented to the Throne from this House:—

> "Her Majesty has received the Address of the House of Commons, praying that Her Majesty will be graciously pleased to direct, in such manner as to Her may seem fit, that the Crystal Palace be preserved until the 1st of May next:
>
> "It will be necessary to consider carefully the engagements of the Royal Commissioners; and Her Majesty will direct inquiry to be made into various matters of detail, which must be ascertained before any decision can be made upon this subject.

PATENT LAW AMENDMENT BILL.

Order for Committee read.

MR. HENRY moved the postponement of the Committee until the following day.

MR. J. GREENE considered the Bill before the House worse than the present law. The six months' specification, which was the cause of so much of the evil and robbery that existed with respect to patents, remained as bad as ever. The right of the inventor remained unascertained, and he was still obliged to come as a suppliant for what was his right. He objected to the provisions for provisional and secret registration, and considered that the appointment of examiners would lead to vexatious and arbitrary interference with the industry of the country, while, as their decision would not be final, it would not stop litigation. A somewhat similar system had been adopted in France, but it was found so unsatisfactory that it was soon abandoned; and in America they had an examiner; but although he had very slight powers, his authority was considered dictatorial, and all parties were dissatisfied with the system. The Society of Arts had gone fully into the subject, and their able Committee had given a full and clear report upon the evils of the present system, and their remedies, and they condemned, without reserve, the appointment of an examiner with such dictatorial powers as those proposed in the Bill. All the other societies that had inquired into the subject had condemned the appointment of an examiner. The only exception was that of the Financial Reform Association, who recommended an examiner, with very limited powers; but as that Association had commenced its consideration of the question by doubting the right of inventors to a property in the discoveries of their genius or their ingenuity, he (Mr. Greene), therefore, did not place much value upon the decision of that Association. The Attorney General and the law officers of the Crown had gained great credit from the House and from the country for a willingness to give up a portion of their emoluments. Now, there were at present about 500 patents a year granted; and there could be little doubt that under the new plan of centralisation that number would be increased to not less than 1,000, so that at a fee of *5l.* for every patent, the receipts from this source would be some *5,000l.* He believed that in order to carry out the plan proposed by this Bill, a very numerous staff of examiners would be requisite, because in some cases it might take a person from a fortnight to a month to complete his examination of a single invention. In France an inventor handed in his drawings and specification, and received a receipt stating the exact time they were received; but at the same time they guaranteed him nothing, but left him to establish his rights if they were called in question. Now, if that were the case, they might have offices for Scotland and Ireland at Edinburgh and Dublin, where these receipts could be granted, and the inventor would be spared the trouble and expense of coming to London, which would be entailed upon him under the present Bill. Then, if any claim were made which infringed upon the right of any registered patent, it would become a question for a court of law; and he should approve a clause constituting the Attorney General public prosecutor in such cases. Feeling that the Bill was an inroad upon the industry of the country, he should vote with the hon. Member for South Lancashire if he pressed his Motion.

Mr. LABOUCHERE thought the matters referred to by the hon. Gentleman ought rather to be considered in Committee than at the present stage of the Bill. There was no doubt that the greatest variety of opinion existed in this country with regard to the patent laws. He had communicated with a great number of individuals throughout the country on the subject, which was one of great intricacy and difficulty, and he did not know any question on which he had found such wide differences of opinion existing. A committee of the Society of Arts, composed of most eminent and distinguished men, and presided over by the right hon. Member for Manchester (Mr. M. Gibson), had been appointed to consider this subject; and, at the commencement of their inquiries, they thought they had a very easy task before them. He believed, however, that in the end they differed very widely as to the patent laws which ought to be enacted for this country. Though this Bill varied considerably in form from the measure sent down by the House of Lords, it did not differ from it essentially in intent or substance. A petition, expressing the opinion of the Society of Arts on the matter, had been presented by the right hon. Member for Manchester, and the petitioners stated that, though this measure was not in all respects such as they desired, they yet believed it would effect an immense improvement on the existing law, and they considered it most important that the Bill should be passed this Session. He (Mr. Labouchere) was satisfied that great disappointment would be occasioned to the public if this measure was not passed. He would venture confidently to assert that this Bill, which had received most careful and attentive consideration in the other House of Parliament, would effect great improvements in the present law, by providing a more economical and simple mode of procedure and much more efficient machinery than now existed for carrying out the law of patents.

Mr. J. L. RICARDO admitted that the Bill was an improvement upon the present law; but he should oppose it, because the House and the country had had no opportunity of considering it. The Bill consisted of fifty-four clauses, and it was rather too bad to bring it in within a few days of the termination of the Session. The right hon. Gentleman (Mr. Labouchere) would not, he was sure, contend that it was to be a final measure; and the colleague of the right hon. Gentleman at the Board of Trade (Earl Granville) had more than doubts as to the wisdom of any patent laws at all; but whether or he, he

(Mr. Ricardo) could assure the right hon. Gentleman that the subject would be mooted next Session, and that a Committee would be moved for. That being the case, he should be glad to know what would be the course taken by the Government if this Bill were passed, when such a Committee should be moved for.

Mr. LABOUCHERE thought it would be premature to pledge himself now to the course to be taken by the Government on a question of this kind in the next Session of Parliament. The Government would in the meantime have some experience of the working of this measure, and if a fair case could be made out, he had no doubt that no objection would be made to the appointment of a Committee.

Mr. W. WILLIAMS believed the provisions of this Bill would afford encouragement to miserable and paltry inventions, which would have the effect of trammelling our manufactures to an enormous extent. He hoped, therefore, that the Government would abandon any measure on the subject until next year.

The ATTORNEY GENERAL said, that it might be supposed, from the objections urged against this Bill, that it effected some marvellous alterations in the substantive law of patents; whereas, the fact was, that with the exception of the clause respecting the introduction of the inventions of foreign countries, about which there might be some doubt, the Bill did not at all alter the substantive law on this subject, but merely the machinery by which a patent might be obtained. He was surprised that the hon. Member who had last addressed the House should object to greater economy and cheapness in obtaining patents. The hon. Member said, indeed, that the manufacturers would be injured by the taking out of patents for worthless inventions; but did he not see that such inventions would not be worth taking up, and the patents would therefore fall to the ground? The Bill enabled a man who imagined that he had hit on some valuable invention or discovery to obtain protection for six months on payment of 5*l.*, and thus go into the market and obtain the assistance of either scientific persons to perfect it, or capitalists to carry it out; whereas, at present, it cost 109*l.* to take out a patent for England alone.

Mr. MUNTZ said, that forty-five years' experience in manufacturing had convinced him, that if a man took out a patent that was worthless, every body infringed upon it, and that in fact it was not worth protecting. He did not altogether approve of the Bill, but should support it because he and his constituents thought that it contained many improvements on the present law.

Sir JOSHUA WALMSLEY represented a manufacturing community, and was informed that they considered it a great improvement upon the law as it now existed. He had given the Bill his best consideration, and was also of that opinion. He should support it, but at the same time he must say that he entirely concurred with the hon. Member for Stoke, that it would be well if there were no patent laws at all.

Amendment *withdrawn.*

House in Committee.

Clauses 1 to 3 *agreed to.*

Clause 4 (Commissioners may appoint Examiners).

Mr. J. GREENE proposed the omission of the words by which the appointment of examiners was authorised.

Amendment proposed in page 2, line 23, to leave out from the word "it" to the word "shall," in line 27.

Mr. J. L. RICARDO said, he should support this Amendment, unless the Government consented to the introduction of a proviso to the effect, that no person who was a patentee, or held a beneficial interest in any patent, or who acted professionally in respect to the obtaining of patents, should be eligible.

The ATTORNEY GENERAL could not consent to this Motion, as he believed that the appointment of examiners was one of the most important provisions in the Bill. No doubt the appointment of examiners had failed when tried in other countries, but that was because their decision was rendered final. What was requisite in the person to examine into the claims of inventions was, great scientific knowledge, united with a judicial character and position. Now it was difficult to combine these two things; and either, without the other, would fail to inspire the public with confidence. This Bill sought to provide for the necessary combination of qualities, by intrusting the judicial investigation and inquiry, and the sifting of the evidence, to the law officers of the Crown, to whom it had hitherto been intrusted; while the examiners, who would be men of scientific knowledge, should report to them, or act as their assessors, in deciding upon points involving scientific questions.

Mr. J. L. RICARDO would vote against the clause, unless a provision was introduced into it, that no patent agent or patentee should be appointed examiner.

Mr. LABOUCHERE thought there was great propriety in the Amendment suggested by the hon. Member for Stoke (Mr. Ricardo), and his hon. Friend the Attorney General would consider the point before the next stage of the Bill.

The ATTORNEY GENERAL said, that his own opinion was in favour of the clause; but he thought it would be desirable to consider the subject a little before it was introduced.

Mr. J. L. RICARDO said, that if the Government would not then accept his proviso, he would move it.

Mr. CORNEWALL LEWIS said, that there could be no doubt as to the propriety of adopting that part of it which related to patent agents; but he did not see why because a man accidentally held one patent, he should be precluded from examining another of a totally different description.

Mr. J. L. RICARDO replied, that he did not see how it could be arranged that an examiner of a patent should only examine patents in which he was not interested.

Mr. J. GREENE called attention to the temptations which were held out to the examiners of fraudulently communicating the information which they had acquired by means of their office, and which they ought to keep to themselves.

Sir De LACY EVANS thought that, if possible, no person who was a patentee or connected with patents should be appointed an examiner.

The ATTORNEY GENERAL had no doubt that the Commissioners would take the greatest care not to nominate to the appointment any person who was concerned in patents, if they could possibly avoid it.

Mr. MUNTZ asked how it was possible to ascertain whether a man was dabbling in patents? He was opposed to the appointment of examiners, and should not vote for the present clauses unless he was assured that this clause was an essential part of the Bill, which he did not want to lose.

Mr. J. L. RICARDO then stated that he would modify his proviso with respect to the appointment of a patentee as follows:—"Nor shall any examiner be entitled to act in respect of any patent in or against which he may be interested."

Mr. J. GREENE said, that the evident want of confidence in the truthfulness of the examiners which the Government had displayed by admitting that it was necessary to give some such guarantee to the public as that contained in the proviso of the hon. Member for Stoke (Mr. Ricardo), only afforded him additional reason for pressing his Motion.

The ATTORNEY GENERAL said, that the hon. Member was not justified in saying that the Government distrusted the truthfulness of the examiners; but they desired to give the public every guarantee against possible malversation on the part of these officers.

Sir De LACY EVANS thought that the Bill should provide for the observance of strict secrecy by the examiners.

The ATTORNEY GENERAL said, that it would be very easy to frame a provision that any publication except according to the regulation of the Commissioners should make the party liable to a severe penalty.

Mr. WESTHEAD believed that it would be doing an injustice to the Lords Commissioners and to the Gentlemen who might fill the office of examiners to suppose that they could be so meanly base as to abuse their trust.

Mr. LABOUCHERE stated, that the Government considered this clause an essential part of the Bill.

Question put, "That the words proposed to be left out stand part of the Clause.

The Committee *divided*:—Ayes 46; Noes 2: Majority 44.

The following words were added to the Clause:—

> "And no person so appointed shall act professionally, or otherwise practise in any matters relating to patents for inventions, nor shall any examiner be entitled to act with respect to any patent in or against which he may be interested."

Clause, as amended, *agreed to*. Clause 5 *agreed to*.

On Clause 6, empowering the Treasury to provide officers and clerks,

Mr. J. L. RICARDO asked, whether the payment of the officers' salaries would be provided for out of the fees or not?

The ATTORNEY GENERAL said, that the fees had been reduced to the lowest amount possible; and it was a question whether the fees thus lowered would meet the exigency of the case; he thought they would.

Mr. J. L. RICARDO said, that it appeared that the fees were to be paid into the Consolidated Fund; and that then the

Lords of the Treasury were to pay the salaries under the Act. He thought that a Bill proposing to establish a charge upon the Consolidated Fund should be founded upon resolutions in Committee.

Mr. CORNEWALL LEWIS said, that the fees authorised to be levied by the Act were to be paid into the Exchequer; and, by Clause 44, the Lords of the Treasury were to fix and pay the salaries of the officers. No charge upon the Consolidated Fund would be created; but the expense would come annually under the review of Parliament in the shape of a vote in the Estimates. It was considered that this was the fairest principle to adopt; and that being so, there was no necessity for founding the Bill upon resolutions in Committee.

Mr. W. WILLIAMS said, of all the monstrosities he had ever known in that House, and he had known many, he had never heard of one equal to that. The hon. and learned Gentleman had taken great credit for cheapening the process of patenting, and now it appeared the public were to pay for it. They were granting privileges to a class of persons at the expense of the public.

The ATTORNEY GENERAL said, that the fees, no doubt, had been made as low as possible, and if it were found that they would not realise as much as would pay the expenses, they would, no doubt, be raised; but the cost would be laid annually before Parliament, and the House would thus have every opportunity of checking any improper expenditure.

Clause *agreed to.*

On Clause 7,

Mr. J. GREENE said, he hoped that provisional registration would not be pressed; and he contended that a man should be called upon to give a valid and perfect description of his invention before he received any protection for it.

Mr. MUNTZ, on the other hand, complained that it required so perfect a specification as to make him think the old law, which allowed six months for the general description at first put in to be completed, was preferable. As this clause and Clause 9 now stood, a person might petition, and his specification being secret, another person engaged upon the same kind of invention, better calculated, perhaps, to make it perfect, might spend a great deal of money, in ignorance that there was any person before him.

Mr. SPOONER supported this objection.

The ATTORNEY GENERAL said, that the object of this clause was to give an inventor six months to perfect his invention. He would not, under this clause, be allowed to obtain protection for his invention while it was in a crude state, but must give a general and correct outline of the nature of his invention; and if he did not, the examiner would not give his certificate. He must reduce his vague idea into substance—into what a scientific man conversant with the subject would say was a fair description of the invention, and of the manner in which it would work. And then, by this clause, protection, on payment of a fee of 5*l.*, would be given to the inventor, to enable him to complete it, or to obtain any assistance required to carry it out. Formerly a man could obtain protection for an invention for six months by merely giving its title; and it was then found that the six months were employed in filching from the inventions of others; but it was found that the practice introduced by the law officers, of requiring a general description of the invention, had worked well, preventing pirating, while it enabled the invention to be matured.

Mr. SPOONER said, that, as the law now stood, when a person petitioned for a patent, the Attorney General ordered advertisements to be published, in order that persons having objections to the granting of such a patent might come forward and state them. He understood that this public notice would now be postponed for six months. It might happen that two or three persons had turned their attention to the same subject, and had all petitioned, each being in ignorance of the others having done so. And, under this clause, they would go on working at considerable expense for six months in the same ignorance. He thought that means should be provided of knowing what patents were before the Attorney General.

The ATTORNEY GENERAL said, that if, on consideration, he did not think that this point was sufficiently provided for by Clause 13, he would introduce a provision for this purpose.

Clause *agreed to.*

House resumed.

Committee report progress.

CLAIMS OF DON PACIFICO.

Mr. URQUHART begged to know if the noble Lord the Secretary of State for Foreign Affairs would consent to lay upon the table of the House the papers connected with the settlement of the claims of Don Pacifico?

Viscount PALMERSTON: I have no objection to do so.

Lord DUDLEY STUART said, that the different Foreign Governments concerned in arranging the affairs of Don Pacifico had rewarded their Commissioners with honours and distinction; and the British Government not having acted in that way towards the Commissioner employed by them, it had been rumoured through the Continent that the British Government were not satisfied with the conclusion of the negotiations, and considered that the affairs had not been arranged in a way that was satisfactory to them. He begged to ask his noble Friend if there was any foundation for such a report, and whether the British Commissioner had given satisfaction in the discharge of his duty?

Viscount PALMERSTON had no difficulty in informing his noble Friend that the manner in which the British Commissioner (Colonel Johnson) had performed the duty imposed upon him on that occasion, was entirely satisfactory to Her Majesty's Government. His investigation had been characterised by assiduity and diligence; he came to the conclusion that the Government themselves would have come to if they were in the same situation. His noble Friend must be well aware that the customs of Governments differed as to conferring honours and decorations on public servants. Foreign Governments lavished, he was going to say, those rewards; but they almost ceased to be rewards when they were given in such a profuse manner, and it was not the habit of the British Government so to give them.

BUENOS AYRES.

Mr. URQUHART begged to ask for information respecting the new phase of the relations between Buenos Ayres and France and England?

Viscount PALMERSTON replied, that the question was a very simple one, so far as this country was concerned. It was well known that a treaty of peace and reconciliation was concluded and ratified between Great Britain and the Argentine Confederation more than twelve months ago. A similar treaty had been negotiated by the French admiral, Le Predour, on behalf of France. On that being sent home, certain objections, relating more to form than to substance, were stated, and the treaty was retransmitted to M. Le Predour, to be again submitted to the Buenos Ayres Government. A new treaty was thereupon concluded between Admiral Le Predour and the Argentine negotiator; that had been sent back to France, and was now under consideration by the French Government. It required the assent of the Assembly; and he understood that, in consequence of the great pressure of business, the treaty could not be brought under consideration before the prorogation of that body.

Mr. URQUHART inquired, whether the French and British Governments had a thorough understanding on the matter?

Viscount PALMERSTON replied, that the French and British Governments embarked in the interference on a common and identical principle; that principle being to endeavour to restore peace in that quarter of the world, and as a basis to maintain the independence of Uruguay. He was not aware of the French Government having changed their opinions.

RAILWAY BETWEEN CAIRO AND ALEXANDRIA.

Mr. URQUHART wished to ascertain from the noble Lord the course which the British Government intended to take with respect to the formation of a railway between Cairo and Alexandria, and whether the making of that railway would not saddle Egypt with a foreign debt? He also desired to know whether the English Government were bound to give the Pasha of Egypt any compensation for the formation of that railway; and whether the proposition laid down in the treaty of the 15th of July, 1841, for securing the integrity and independence of the Ottoman empire, and by which a hereditary succession was secured to the Pasha of Egypt, was to be affected in any way that would interfere with the rights of the Sultan; and whether the discrepancy of opinion that had taken place between the representatives of the British Government at Constantinople and Alexandria was the result of their own proper motion, or the result of instructions from home?

Viscount PALMERSTON: In the first place, with regard to the railway, I believe the Pasha of Egypt intends to construct, out of his own revenues, a railway from Alexandria to Cairo. It is the opinion of the Government that such railway is an expedient undertaking; that it will contribute to the prosperity of Egypt, and be advantageous to all other countries that have commercial intercourse with that province. The English Government never entered into any engagement or guarantee of any kind in regard to the construction of that railroad; but, undoubtedly, it is the opinion of the English Government that the Pasha of Egypt is entitled to make that railway out of his own funds, according to the terms of the firman granting to him the hereditary investiture in 1841.

MR. URQUHART: Then, as to the discrepancy?

VISCOUNT PALMERSTON: If the hon. Gentleman will tell me what he means by discrepancy, I will answer him.

MR. URQUHART: One supporting the Pashalic interest; the other supporting the Sultan.

VISCOUNT PALMERSTON: Both act under instructions from the same source, and their acts are necessarily in the same spirit, and to the same purpose.

MR. URQUHART: Will the noble Lord tell me whether the conditions laid down in the treaty of 1841, for establishing the hereditary Pashalic in the family of the Pasha, are to be interpreted as interfering with the authority of the Porte?

VISCOUNT PALMERSTON: That firman laid down certain conditions on which the family of Mehemet Ali were invested with the hereditary Pashalic of Egypt, and there is no change in those conditions; of course, they must be observed by the Sultan on the one hand, and the Pasha on the other.

THE PAPAL STATES.

MR. CHISHOLM ANSTEY rose to put a question to the noble Lord the Secretary of State for Foreign Affairs with regard to a communication which was reported to have been made from the Court of his Holiness the Pope to the Court of Vienna. It was said that his Holiness had, through his Secretary of State for Foreign Affairs, expressed a wish to the Cabinet of Vienna, that it would concert measures with the Court of Naples for the purpose of replacing, as soon as possible, the French garrison at Rome by a mixed garrison of Austrian and Neapolitan troops, or, more properly speaking, perhaps, Austrian troops alone; and that the avowed object of this change was the extinction of all hopes of a liberal government being established in Rome, or justice being done to the Pope's subjects. Reference was also made in this document to the interposition of England, which was repudiated on the ground that England and France had no right whatever to prevent the Pope from being the gaoler of his own subjects; and it was stated at the end of the document that it was the immediate object of the commission that the Austrian Ambassador should press it upon the noble Lord, and upon influential Members of Parliament. He (Mr. Anstey) wished to know if the noble Lord had reason to believe that any such document had existence as that which was said to have been so addressed by the Court of Rome to that of Vienna; whether any document of that nature had been communicated, either in part or in whole, by the Court of Vienna to the Court of St. James's; and whether any application had been made on the part of the Court of Vienna to the British Government in the terms of that document—namely, for the expulsion of the Italian, Hungarian, and other refugees from London, and the prevention of the Italian loan, which was said in the same document to be now negotiating in London?

VISCOUNT PALMERSTON: No communication whatever of the nature of the supposed note had been made by the Austrian Government to the Government of this country, and the result of such inquiries as Her Majesty's Government had made on the subject tended but to confirm them in the opinion that that note, like another which had also appeared in newspapers on the Continent, was a pure invention. He said, "like another which had appeared," because he might as well take this opportunity of stating that there was another note which was said to have been presented by the Governments of Russia, of Prussia, and of Austria, to the Italian Governments, assuring them of their support to put down any internal convulsions that might occur. Her Majesty's Government made inquiries with regard to that note, and he believed that there was no foundation for the report of the existence of that note any more than for the one to which the hon. and learned Member had referred. No application had therefore been made to Her Majesty's Government in the spirit of that note. With regard to the other question—as to any application that had been made for the expulsion of foreigners now resident in this country, of course it might reasonably be supposed that Continental Governments looked with some degree of anxiety—and he believed that his right hon. Friend the Secretary of State for the Home Department did on a former occasion say that there were foreign Governments who looked with some degree of anxiety—at the proceedings of foreigners in this country; but nothing had passed which amounted to the "application" which the hon. and learned Gentleman supposed. Of course, if any application of that nature were made, it is obvious the answer would be that the law of this country gives no power to Her Majesty's Government arbitrarily to expel any foreigner who resides here, and does not violate the law of the land.

EPISCOPAL AND CAPITULAR ESTATES MANAGEMENT (No. 2) BILL.

Order for Committee read; House in Committee.

Clause 1 (Power of Ecclesiastical Corporations, with approval of Church Estate Commissioners, to sell, enfranchise, or exchange Church Lands, or to purchase the interests of their Lessees).

The SOLICITOR GENERAL said, an alteration had been made in this clause to meet the views which on a previous evening had been expressed by many hon. Gentlemen who addressed the House on behalf of the interests of the lessees. The Bill, as the House was aware, was merely a permissive Bill, to enable lessees and the parties who held church property to come to such arrangements as they might think fit, with the approbation of the Estates Committee of the Ecclesiastical Commission. The Estates Committee would not have the making of the bargain between the parties; but all the arrangements entered into would be submitted to them, and must receive their approbation. It had been asked, on the part of the lessees, that there should appear some recognition in the Act of their peculiar position in reference to their property—not of any definite terms to be imposed upon them, or that they should impose on the capitular bodies—the terms of the bargain were to be left to the parties themselves who come into the agreement; but that, for the guidance of the third party who was to approve of the arrangement, their equitable right arising from the continued power of renewal attaching to the peculiar nature of their tenure, should be acknowledged. The words by which he proposed to carry this object into effect had been taken from the report of the Committee of the House of Lords, wherein they said it was desirable that regard should be paid to the just and reasonable claims of the lessees. In another passage the same claims were described as claims almost amounting to a right from the long-continued practice of renewal. The words he proposed to introduce into the clause for the guidance of the Commission in giving their sanction to the agreements which might be made under the Bill, were, after the words Estates Commissioners, "who shall pay due regard to the just and reasonable claims of the present holders of lands under lease, or otherwise, arising from the long-continued practice of renewal." This would not give to the Estates Commissioners any power, either of concluding a more favourable arrangement for the tenant as against the Ecclesiastical Commission, or of imposing any burden on the tenants, but would leave them free to sanction an arrangement where they saw that in justice the amount to be received by the Commission for the enfranchisement was less than what might, in the strict letter of the law, be demanded. He moved that the words he had read be inserted.

Amendment proposed—

"In p. 1, l. 12, after 'Commissioners,' to insert the words 'who shall pay due regard to the just and reasonable claims of the present holders of lands under lease or otherwise, arising from the long-continued practice of renewal.'"

Question proposed, "That those words be there inserted."

MR. PIGOTT could not understand who the parties were that were pressing on the Bill at this advanced period of the Session; but to many hon. Members it was matter of astonishment to find the noble Lord persevering with it under the circumstances. If the measure were so beneficial as it was represented to be to the lessees, the noble Lord would experience very little difficulty in carrying it through in the next Session of Parliament. Numerous lessees had had no time afforded them to consider its provisions; and, therefore, it was the more important that it should not be further pressed at present. If he were in order, he would move that the Chairman report progress, and ask leave to sit again.

COLONEL SIBTHORP professed himself willing to support the Motion for reporting progress. It was the undoubted duty of the Government, in his opinion, to afford sufficient time for the claims of the parties most interested in the provisions of the Bill to be substantiated. There was something exceedingly suspicious in the haste with which the measure was being passed through the House.

MR. HEADLAM did not wish to prejudice the case of the lessees by throwing out the Bill; but neither did he wish to affect them in any way they might think prejudicial. The course he should take was, that he should vote for the introduction of the words which had been proposed by the Solicitor General, and which he thought very material—then press the Bill through Committee, taking care to make the Bill as good a Bill as possible, and on the third reading to settle the question whether or not it would be desirable to proceed further with it in the present Session. It seemed to him that many provisions were embodied in the report on which the Bill was founded, which would operate harshly against the lessees. They had enjoyed for a series of years the practice of renewing their leases on certain fixed terms; and that practice would have been continued had it not been for an alteration in the law. The House interfered, and deprived the Bishops of their interest in the renewal of leases, and then the property was placed in the hands of the Church Estates Commissioners. After all that was done, it became very doubtful whether the leases would be renewed. He did say it was the bounden duty of the Committee to see that the interests of thes lessees were not prejudiced by the proposed course of legislation. This Bill was simply and purely permissive; but if a permissive Bill went to postpone a compulsory one, it would operate injuriously in the long run. He thought the Bill ought not to pass into law without some distinct promise on the part of the Government that this Bill should be considered merely a temporary measure—that it should at a future time be superseded by a compulsory measure.

Lord HARRY VANE said, his constituents were very much interested in the Bill before the Committee. He was surprised that a measure involving interests so multifarious and important should have been brought forward at so late a period of the Session, when many Members who represented the interests of the lessees of Church property were absent, and when the body of lessees at large were unaware of the manner in which Parliament proposed to deal with their interests. He agreed with the hon. and learned Member for Newcastle-upon-Tyne (Mr. Headlam), that, although the Bill was permissive, it ought to be followed by a compulsory one. He (Lord Harry Vane) thought some guarantee would be given to the interests of the lessees by the words which had been proposed by the Solicitor General. He submitted, as a matter of simple justice, that the Legislature was bound to pay a due and equitable regard to interests of such great magnitude and such long standing; and he thought it essential, therefore, that the words proposed by the Solicitor General should be embodied in the clause. It was difficult to know what would be the precise operation of the Bill, but he agreed with those who seemed disposed, on the part of the lessees, to assist its progress through the Committee, and he trusted it would come out of the Committee in a shape which would not prove injurious to the interests of the lessees.

Sir JOHN DUCKWORTH said, he had certainly given his support to the earlier stages of the Bill, because he thought it exceedingly desirable that some improvement should be introduced into the management of ecclesiastical estates; but he confessed he had done so with a good deal of doubt and hesitation. He had understood that this Bill was introduced by the Government as a sort of compromise between the Church and the lessees. One of the essential properties of the Bill, as such compromise, was its being permissive; but he did say that the rules which the Solicitor General had in view, by the introduction of the proposed words, tended to enforce the arrangements intended to be made between the parties, and gave a compulsory character to those arrangements. That being so, he must confess it would be his painful duty to give his support to any Motion that might be made to stay the further progress of the Bill. He contended against a perpetual right of renewal, and he was of opinion that no such right existed, though an equitable right of renewal might arise from the exercise of the right of renewal for a long series of years. He would suggest that the measure should remain as it was before—entirely permissive; and that the agreements to be made between the parties should be made by themselves, and then submitted to the approval of the Church Estates Commissioners. He was indifferent about the party directly interested in the property, either as lessees or otherwise, as compared with the regard which he felt for the interests of the Church and the laity in general.

Sir BENJAMIN HALL said, the hon. Gentleman (Sir J. Duckworth) seemed to be surprised that any opposition to the Bill should come from the representatives of the lessees. The real ground of opposition to the Bill, so far as he (Sir B. Hall) could understand it, was that it should have been brought in at so late a period of the Session, and pressed through the House with such indecent haste. Millions a year, almost, were involved in this question, and that was one consideration which had rendered it so difficult a subject on which to legislate. It was a question which the other House of Parliament had taken no less than fourteen weeks to consider. Hon. Members were told that this was merely a permissive Bill; but it was very well known that if this Bill was allowed to pass into a law, it would form a precedent for future legislation on this subject, which would prejudice the interests of the lessees most materially. He thought it very desirable that the Committee should agree to the introduction of the words proposed by the Solicitor General, and, having passed the clause in which it was intended to introduce them, and thus recorded the opinion of the Government and the House, they should cease legislation for the present, leaving the clause as an instruction to Government and the Church Estates Commissioners for future legislation on the subject. When they found the report on which the Bill was based holding forth such a doctrine as this, that "neither bishops nor the capitular bodies were bound in obligation or law to renew their leases," when they saw such a monstrous proposition as that laid down, could they wonder at the alarm which had been felt among the lessees of church property? and they ought to look very carefully at any Bill which proposed to legislate on this subject. It was not fair on the part of the Government to come down with their whole force to the House that evening to push this Bill forward, seeing that they knew very well this was a part of the Session when they could carry almost any measure. He ventured to suggest that they should agree to the words proposed by the Solicitor General; and that being done, the sooner they broke up the Committee the better. He was of opinion that, as respected enfranchisement, the Bill, permissive though it was, would not be attended with any good result. By a petition which he had presented that very night, it appeared that in the county of Middlesex and the neighbouring counties the Bishop of London was lord of no less than eighteen manors, and he had had the power of enfranchisement for a considerable time; yet out of 7,000 tenants, and although he had been repeatedly asked to enfranchise, the bishop had only enfranchised sixty since the Copyholds Enfranchisement Bill had passed. He (Sir B. Hall) would, therefore, ask what good was to be expected from a permissive Bill of that kind? In the manors of Hornsey, Hammersmith, and Fulham, though there was a great desire among the inhabitants to build shops and improve the value of their property, yet they were prevented from doing so to a considerable extent by the bishop refusing to enfranchise.

Mr. AGLIONBY said, his position with respect to this Bill was changed since the Solicitor General had proposed to introduce the words in question. He was now perfectly prepared to go on with the Bill, and having thus given the Bill some degree of consideration, the House would be enabled to see whether it would be right to go on with it or not. He thought the noble Lord and the Government had been rather harshly charged with wishing to hasten on this measure unduly. He did not think they were fairly amenable to that charge. With respect to the interest of the lessees, he (Mr. Aglionby) had ample confidence in the Church Estates Commissioners. He thought they would not be guilty of an act of spoliation towards any one interest; and he believed they would do justice to all parties; but it would be very hard to throw the settlement of that wide field of claims upon them without any indication of what was the feeling of the Legislature; he, therefore, had no hesitation in saying that he would support the Amendment. He had consulted a great number of lessees on this subject, and they agreed that the noble Lord (Lord John Russell) was not at all to blame for going on with the Bill, and that it was likely he was consulting as well the interests of the Church as of the lessees.

Mr. CARDWELL said, that the proposed Amendment was, in truth, the hinge of the whole Bill. He did not understand how the insertion of the words in question could have much to do with making a convert of the hon. and learned Member for Cockermouth (Mr. Aglionby). When this Bill was first proposed, that hon. and learned Member opposed it, mainly on the ground of the lateness of the Session; that objection could not have been removed by the fact of an alteration affecting the whole principle of the Bill being proposed many days subsequently. The Committee, however, could have very little doubt as to the cause of his hon. and learned Friend's change of opinion in that respect. Since the Bill was first proposed, it seemed that a large number of persons had arrived in town who took an interest on the side of the lessees. Now there had not been a corresponding arrival in town of those who took a peculiar interest in the enlargement of the Common Fund, and of the increased efficiency of the Church. He (Mr. Cardwell) was not going to say whether the words which it was proposed to introduce were right or wrong, and for this reason—that the Government had taken a statement partially out of the report in question, and inserted it in the Bill. Early in the Session a Bill was introduced for a general and comprehensive settlement of this whole question. That Bill was considered in a Committee of the House of Lords, who reported against it, and ended by recommending a purely voluntary and permissive Bill. He admitted that the words which were now the subject of debate, were contained in that report—they were taken from two parts of that report, and from different pages of it. The Committee did not put those words down in the Bill, and, he submitted, their insertion was a total change in the Bill—a total reversal of the policy which the Committee of the House of Lords recommended. He would ask, did it not constitute a material alteration in the law as regarded the relation between the Church and the lessees? Was not this a step on the part of Parliament towards the recognition of the interest of the lessees? If it was a change in the law, was it right at this period of the Session to make so important a change under the circumstances in which they stood? He did not think it was the interest of the Church that those bargains should be driven between the Church and the lessees; he thought a truly liberal policy would dictate an opposite course; but he did not see how the House could legislate on this subject before they had read the evidence on which that report was founded. The Committee had two courses open to them to take: either to make a general comprehensive and compulsory Bill, with full advice, ample information, and plenty of time; or, if they admitted they had not full advice, ample information, and adequate time, then to pass such a Bill as, while it enabled the parties, both being agreed, voluntarily to make their own bargains, did not indirectly change the legal relation between the parties, established it might be improvidently.

Mr. EVELYN DENISON observed, that the hon. and learned Gentleman (Mr. Cardwell), in stating that the words of the Amendment were taken from the report of the Lords, did not accurately describe the history of that passage of the report. When the Royal Commission was issued in 1845 on this subject, the Commission, in speaking of the management of church property, went on to say, "due regard being had to the just and reasonable interests of the present holders of such property, under lease or otherwise." Those words were in the Commissioners' report, and they were also adopted in the report of the Lords' Committee. These words being so sanctioned, he considered them to be open to as little hostile observation as possible, when adopted by those who took that view of the subject. He begged to point out to the notice of the hon. and learned Gentleman a paragraph contained in the report of the Committee of the House of Commons which sat on this subject, which stated that it was the opinion of the Committee that no satisfactory conclusion could be arrived at on the subject of the arrangement between the lessors and lessees of church land, except by the intervention of Parliament. What had happened since? A change had taken place in the composition of the Ecclesiastical Commission as to that part of it which had the management of the estates. Those Gentlemen had declined to adopt the rules laid down and adopted by the authority of the House of Commons, and up to the present time they have declined to make any new rules themselves. Whenever any application was made to them on the subject, their answer was, that they were waiting for the intervention of Parliament. Surely, therefore, nothing could be more reasonable, when the Estates Commissioners were called upon to express their opinion with respect to the transactions that were to take place between other parties, than that they should require to have some directions as to the steps necessary for them to pursue. The Estates Commissioners said—"We cannot act in relation to these parties, with whom we are not put into immediate contact. As between the lessors and the lessees, we can have no rule or guide to direct us in our course." How could such a Commission give weight to transactions between other parties, when they felt themselves utterly unequal to arrange matters which had been put into their own hands? He thought it most important that no measure should pass that House which did not include in it some direction to the Estates Commissioners as to the course they were to pursue in regard to this matter. He considered the Amendment absolutely necessary, and he should give it his support.

Sir HENRY WILLOUGHBY was of opinion that the words sought to be introduced by the Solicitor General, threw on these three Gentlemen a discretion most unfair and unjust towards them. The Committee were pretending to do that which, in point of fact, would leave matters in the state they were in before. If he understood this Bill rightly, it applied to every species of property, including, for instance, houses and mines. The House of Lords negatived the dealing with houses and mines, as well as rent-charges and annuities, which he should propose to be inserted if the Bill was to proceed. His firm conviction was, that the Committee must approach the real pith of the case, and lay down clear and distinct rules under which those different classes of property should be treated; and, till they did that, they would not make any beneficial altesation in the law.

Colonel SIBTHORP believed the best way would be to put a stop to the further progress of the Bill during the few days that remained of the present Session. His twenty-four years' experience had taught him that if they allowed a Bill to go through Committee, it was in effect passed altogether. With this feeling he should move that the Chairman report progress, and ask leave to sit again.

Motion made, and Question proposed, "That the Chairman do report progress, and ask leave to sit again."

Sir JAMES GRAHAM had not thought it consistent with his duty to support the further progress of this Bill, on the former occasions on which it had been under discussion. He was of opinion that the importance of the Bill was too great, the period of the Session too far advanced, and the attendance in the House too thin for the consideration of so important a subject. Much more strongly was he of that opinion now. He had not been in the least prepared for the proposal made by the Solicitor General. This was a matter of the greatest importance. The hon. Member for Cockermouth (Mr. Aglionby) had justly said, that it involved the interests of the lessees with respect to property of great value and variety, and also the interests of the community, members of the Established Church. This was a Bill, in fact, affecting the partial spiritual destitution of the people; and thus regarded, it surely was a Bill which ought to be considered in a full House. It was to be remembered that in 1845, six years ago, general rules were laid on the table of the House by the Ecclesiastical Commissioners, which, in the most express and distinct terms, laid down the principles on which they had up to that time administered, and subsequently administered, the affairs of the great trust confided to them. He was glad that on the last occasion when this Bill was before the House, he had refrained from following the hon. Member for Chichester (Mr. J. A. Smith), because he had been deeply wounded by certain expressions which fell from that hon. Gentleman, and at the time he might have replied with hasty warmth. The hon. Member had said, that those general rules embodied principles which he thought were dishonest. He (Sir James Graham) would now enter into a friendly expostulation with the hon. Member in respect to that expression. His hon. Friend affirmed that the general rule enunciated by the Commissioners established two different tables of value, to be allowed as between the lessors and the lessees; the interest of the one being estimated at 5 per cent, and the interest of the other at 3½ per cent; in other terms, that a difference of the price was fixed, which measured the difference between the fee-simple value and the leasehold value of the property. No doubt the Commission was composed of fallible men, who might have erred in judgment; but he could not believe his hon. Friend, on quiet deliberation, would really say that they would act dishonestly. He could not think it *primâ facie* evidence of dishonesty that a man should be a prelate of the Church—that he should have risen from the humblest ranks of the people, and have become distinguished by his piety and his learning, and by the favour of the Crown have been exalted to the highest station. Independently of the ecclesiastical members of the Commission, was it to be said that such men as Lord Harrowby, Lord Chichester, Mr. Hobhouse, Dr. Nicholl, or Mr. Lefevre, would approve of general rules binding their discretion to a principle which honesty forbade? He (Sir J. Graham) had, up to this time, been a party to those general rules, and, to use the words of the hon. Member for Chichester, he did not think that, consistent with honesty in the discharge of a sacred trust, any other rules could have been adopted. What were the real interests at stake? There were the interests of the lessees on the one hand, but there were the interests of the great body of the Church on the other. He had stated before, and he should never miss an opportunity of declaring, that he was decidedly opposed to the distinction between the "episcopal" and the "common" funds, which had too long prevailed. He believed that by this distinction an undue temptation was held out to the right reverend Prelates of the Church, who were allowed a nominally fixed but really a fluctuating income, by being called upon to pay a fixed sum to the Episcopal Fund; but who took their chance of what more they could receive out of the Common Fund. The Government ought to put an end to such an arrangement. To the utmost extent consistent with law and equity, they ought to do their utmost to increase the amount of the Common Fund, which was available for the spiritual wants of the people of this country. He had never once varied from the opinion that, considering the extent to which dissent had spread in this country, and considering that the House of Commons was not the representative exclusively of the Church of England, but was the representative, at the same time, of various classes of Dissenters, it was impossible to expect that the spiritual wants of the Church could at any future period derive assistance from the general taxation of the country. He held that the property of the Church itself must be applied under the direction of Parliament to meet her own spiritual wants. Then they came to the question—what was the present condition of the Church? He would refer only to the second report of the Ecclesiastical Commissioners. That report showed that there were dense masses of the population for whose spiritual wants no provision had been made, and that although great efforts had been made within the last ten years to meet those wants, in this metropolis and elsewhere, still the growth of the population outstripped all these exertions. In point of fact, then, the spiritual destitution of the country at this moment was as great as it had been at the time the Ecclesiastical Commissioners were appointed. Could there, therefore, be a more sacred trust than to keep up the fund set apart for this purpose? The question was, What was the law and the equity of this case? Of the law there could be no doubt. He was not now prepared to admit that there ought to be any equitable considerations such as those which had been suggested. His hon. and learned Friend below him (Mr. Cardwell) had said, that in this report of the Lords there were mentioned several different cases of dealing with property at the will of the lessors, which negatived either the legal or the equitable pretension of the lessees. There might be such claims. He was not prepared to negative them. All he said was, that Parliament, up to this time, had never, either directly or indirectly, given its sanction to the proposition. Was this a light matter they were discussing? He had only by accident seen the report of the Lords. He had not seen the evidence. But the hon. Member for North Warwickshire (Mr. Newdegate), who was a lessee, and the advocate of the lessees, had told them the measure of the value of this point. They were now discussing what the hon. Gentleman had told the Lords was a question for years, of the fee-simple value of the leaseholds of the Church. They were discussing what were to be the transactions as regarded property, which was to be estimated in millions. All at once, therefore, and without inquiry, he could not agree to a principle not heretofore sanctioned by Parliament. There were other objections. The regulations binding on the discretion of the Commissioners had been for six years on the table of the House. No attempt had been made to interfere with or to negative them. Last year the Committee over which the hon. Member for Malton (Mr. E. Denison) presided, and of which he (Sir J. Graham) had been a member, in making their report on this subject, had advised that an Estates Commission should be appointed. They did more—they had advised that the Ecclesiastical Commission should retain the power of laying down the principles in reference to which the Estates Committee was to proceed; and that advice had been adopted in the Act of last Session. Surely the Legislature had then had an opportunity of entering a caveat against these regulations. It might be right to say now, for the first time, that power should be given to sell the property of the Church. That was the provision which came down in this Bill, as unaltered, from the House of Lords. He would not negative it—he would not sanction it. He simply protested against considering that principle in the last week of the Session. But they proposed to add a principle still more important. The words introduced at the instance of the Solicitor General gave not only the power to sell, but asked that in the process of sale a favourable consideration should be extended to the claims of lessees. He would not say now that under strict regulations such a permissive power, favourable to the lessees, might not be exercised advantageously to the whole Church, as well as to the lessees. He was by no means prepared to say that, after consideration, he would not give his consent to that proposition. But, looking to the vast interests at stake, and considering that they were now dealing with the spiritual wants of the people, compared with which their other wants were as nothing, he could not conceive it to be right that the House should come to a decision of such vast importance without due care and deliberation.

Lord JOHN RUSSELL owned that it appeared to him that if it was right to consider at all the question before them, and he did think it was right, in conformity with the expressed wishes of the House of Lords, it was at the same time perfectly right to consider on what terms they could agree to the Bill. It seemed to him that it was not very fair in hon. Gentlemen to say that they were ready to consider the Bill, but that they were precluded by the late period of the Session from considering the alterations proposed by the Government. He found now, from what he had heard, that the lessees had had greater reason to complain than he had supposed. What he had understood was, that the ecclesiastical corporations, on the one hand, were to be empowered to make their arrangements with the lessees on the other, for the purchase of property; and that the Church Estates Commissioners were to have a superintending control; so that neither the Church nor the public were injured. But from the course of the debate it had appeared that nothing but a strict legal right that could be enforced in a court of equity, was to be attended to; and that the Estates Commissioners were to have no other power than to say yes or no whether an agreement came within the strict law and equity of the case. This being so, he felt bound to support the view of the Solicitor General, enforced with the opinions of several of those who represented the interests of the lessees. What was proposed was—not what would be compulsory and binding with regard to the Church Estates Commissioners; it was only giving them a certain latitude to consider certain things—that they might have regard to just and reasonable claims arising from long practice of renewal. There was no question as to the character of those Commissioners, or as to their fitness for their office; two of them were appointed by the Crown, and one was appointed by the Archbishop of Canterbury; however appointed, no one had found fault with the individuals selected. They, in considering the just and reasonable claims of the lessees, could not be expected to go beyond what they should think were fair and reasonable pretensions. The whole question, therefore, resolved itself into this—whether the House of Commons was now to say that nothing beyond a legal and equitable claim—that was to say, equitable, not in the sense of being fair and reasonable, but in the sense of a claim that could be enforced in a court of law—should be granted in any case to a lessee. He confessed, for his own part, that he would have preferred to this Bill the plan proposed by the Commission appointed by the Crown, and which, in the shape of a Bill, had been placed before the House of Lords. But, having failed in obtaining the sanction of the House of Lords to that plan, it did appear to him that they were not in a condition to carry out this Bill unless they took care that the interests of the lessees should be in some degree regarded. It was a question for hon. Gentlemen to consider whether there should be any option or discretion respecting certain claims arising from long practice of renewal. He was quite ready to say with his right hon. Friend (Sir J. Graham), that it was most desirable that the Church should obtain her further revenues from her own funds, and that there should be no application to that House for aid from the general revenues of the country; but, at the same time, he did not know that it was more objectionable to seek funds from the State, than to seek additional funds by dealing harshly and contrary to what was just and reasonable in regard to the lessees of church property. He would with these views support the Amendment of his hon. and learned Friend the Solicitor General. In doing so, it was only saying that the House agreed to the Bill on certain conditions, not compulsory, but conditions that the Ecclesiastical Estates Commissioners should have power to consider in each case what arrangement was most equitable for the parties. It would be for the House of Lords afterwards to say whether the Bill deserved approbation on these terms. If the House of Lords should not think so, then, of course, in the next Session, they would have to consider whether they could frame any other measure on the subject. Unfortunately there did not seem any great prospect of agreement with respect to any compulsory measure. In any compulsory measure there would have to be some such element as that which the Solicitor General had proposed. From that principle, he (Lord J. Russell) was not prepared to depart.

Mr. J. A. SMITH withdrew the unwise words which, as the right hon. Gentleman (Sir J. Graham) had mentioned, he had used on the former occasion of this Bill being discussed. He begged to retract them most fully, and he thanked the right hon. Gentleman for the tone and the spirit in which he had spoken of the matter. He hoped, however, the right hon. Gentleman would permit him to say, that though he withdrew the expression, he retained the opinion; for he most certainly thought the rules in question were unfair. He was fortified in his opinion by what had occurred in the Committee that sat about four years ago, when several of the Commissioners were examined, including the Bishops of London and Lincoln; and the conflicting result of that examination brought conviction to the mind of every Member of the Committee, not excluding the right hon. Baronet the Member for Ripon, that it was impossible to act upon the rules. He had also reason to believe that the Church Estate Commissioners had refused to act upon them, because they thought them unfair. In the ordinary affairs of life it would be considered unjust that, in the estimation of the value of property, the seller should be estimated at one rate, and the buyer at another; and, with the greatest respect to the right hon. Gentleman opposite, he still adhered to his opinion that, in that respect, these rules were unfair. In justice to himself and to many other gentlemen who took the same views, he must protest that they were as strong and earnest friends of the Church as the right hon. Baronet himself. Therefore, he, for one, was not prepared to sacrifice the interests of the Church for the benefit of the lessees of that Church; but, on the other hand, however great the spiritual destitution of the country, and the want of the people for further spiritual instruction might be, he was not prepared to sacrifice the just and reasonable rights of the lessees even for so important an object. He could not consent to be frightened out of what he believed to be the just and reasonable rights of the lessees by any such legislation, or even by the sincere respect he entertained for the Church to which he belonged.

Mr. CAYLEY thought that the House would agree with him that the observations of his noble Friend below him were more truly exponent of the wishes of the Church and its friends, than those of the right hon. Baronet. Could dissent be increased by any means more effectual than by committing an act on the part of the Church of gross injustice? The right hon. Gentleman had spoken of the Ecclesiastical Commissioners; and whatever might be said of them or of their motives in the discharge of their duty, he had no doubt they would reconcile it to their own consciences. But no one could doubt that the rules they had laid down, outraged the sense of propriety in every Member of the Committee. It was said that this was a permissive Bill; but who was to be the umpire? The Members of the Ecclesiastical Commission were persons of estimable character no doubt; but the bias of their minds had been seen, and all the conclusion that could be come to was, that more had been left to the Secretary or the Solicitor of the Commission than would have been left had the number of Commissioners been fewer; for with the fewer number came the higher responsibility. The value of the property in question was probably not less than thirty millions sterling, of which the Church now possessed, or did practically now possess, not more than one-fourth. Then, could any one think it was fair or reasonable to take from the holders of that property an amount which, if the rule of the Commissioners were followed, would, probably, be twelve or fifteen millions sterling? He should call it an injustice of the grossest kind. And what was the ground for it? Church extension. But Parliament should have repudiated the principle before. Over and over again it had been repeated and reiterated that the just and reasonable claims of the lessees should be respected, and that the moral certainty of renewal should be always considered by those who dealt with them. Because they wanted the money they had no right to take it from those who came the easiest within their power. He should certainly vote for the introduction of the words proposed by the Solicitor General. He did not claim credit to himself for more disinterestedness than other people had, nor wish to conceal that he was himself a lessee. But in the year 1833, before he was a lessee, and before he had any expectation of becoming a lessee, he had expressed the same views upon this question, quite as strongly as he had expressed them now.

Mr. SPOONER said, that having before stated his opinions, he should not have risen on this occasion had not the right hon. Baronet remarked that he (Mr. Spooner) was a lessee under the Church. He was such a lessee to a very small amount; but had the value being greater, he trusted that his conduct in that House would not have been entirely guided by his own interest. He was desirous both to promote the Common Fund of the Church, and to protect the vested interests of the lessees. With regard to the instructions brought forward by the hon. and learned Gentleman, had this question not been mooted, he should have been willing to accept the Bill, resting upon the report, without the insertion of those words; but after the turn the debate had taken, and when the right hon. Baronet told them that the rights of the lessees were not to be recognised, he could not do so; for if the Bill should pass, the Motion of the hon. and learned Gentleman being negatived, the moral certainty of renewal would be taken away from the parties in possession; and they were bound in justice to restore those parties to the same situation in which they would have been had there been no legislation. But there was another important consideration—the interest of the Church. If the Bill was thrown out because it recognised the just and reasonable claims of the lessees, a spirit would be stirred up which would be found very difficult to manage in another Session; and, if the lessees were set against the Bill, more injury would be done to the Church than any benefit they sought to confer by legislation. He implored the House to pass the Bill with the Amendment of the hon. and learned Gentleman without delay. It involved no principle beyond that recommended in the report, and only did an act of common justice.

Mr. BARROW observed, that the great value which the right hon. Baronet had remarked attached to the property in question, had been mainly created by the capital and exertions of the lessees. All the buildings and inclosures and improvements he had ever known, had been built and made by the lessees. Then he asked if the lessees had not a fair claim to a portion of the value, and whether they had not a right to have that claim considered when their money had been invested in the confidence of a long-continued renewal?

Mr. HENLEY said, that everything he had heard strengthened the conviction he had entertained that the measure ought not to be proceeded with this Session. No one denied the justice of the Amendment; but it was said that the Amendment would change a permissive Bill into a compulsory one. But the difficulty was, that the House was asked to come to a determination upon imperfect information, and to decide a great question in a hurry. That was what he had complained of on Friday, and he felt it still. Without the introduction of the words proposed, the Commissioners would not have the power to give to the claims of the lessees that favourable consideration which it was admitted by all they ought to have. But the House was called upon to discuss those words without being prompted by the usual motives, and without knowing what was the opinion of the parties most concerned. He hoped the noble Lord would not press the Bill. It was not fair to ask the House to adopt this or that form of words, if, as had been suggested on the other side, the Bill was to be thrown out afterwards. That was a serious consideration. It had, he understood, been suggested on the other side to the noble Lord, to let the Committee come to those words and then to stop. Would it not be wiser to stop at once? There had not been time to consider what the effect of the words might be, and they might not satisfy either the one party or the other. To insert the words and then get rid of the whole Bill, would not be a very creditable position; while, as he thought, they might stop now with credit.

The SOLICITOR GENERAL thought the bearings of this Bill, and the circumstances under which it came before the House, were not sufficiently considered when it was so repeatedly stated that it was being pressed forward with undue haste. The subject had engaged the attention of Parliament for a long series of years. It had been considered by Committees of both Houses, and ultimately by a Commission, specially appointed for the purpose of inquiry; and in the directions to that Commission it was laid down as a principle to pay due regard to the just and reasonable claims of the lessees. On the report of the Commissioners a Bill was introduced into the other House, and was sent before a Select Committee. That Committee could not agree upon the principle of the measure, but were unanimously of opinion that it was a question which it was not right to leave untouched by the Legislature. Believing that it was neither fair nor just to the lessees to allow the Session to expire without facilitating arrangements between the parties, the Committee (representing, as it did, all interests in the question) were unanimous in coming to a conclusion that this Bill ought to pass in the present Session. The Bill was not introduced by Her Majesty's Government, but on the recommendation of that Committee; and if the hon. Member for Liverpool was right in the assertion that by the introduction of the words proposed by him (the Solicitor General), the whole principle of the Bill would be changed, he could only say the Bill then must be founded on most unjust principles; but he found that in their report the Committee stated, as a reason for recommending this Bill, that it would probably afford opportunity to parties to agree between themselves, and thereby give the foundation, and be a guide hereafter for a compulsory enactment. To accomplish that object, surely the parties must be allowed to meet on terms of fairness; and it would be monstrous for one party to come prepared to deal upon that principle alone, which would exclude the views of the other party from consideration. It was perfectly clear that the lessees, neither in law nor equity, had any right to enforce a renewal of their leases; it was equally clear that though the lessees had no right either in law or equity, they had a distinct moral right to have their claims considered. Those two propositions had been admitted throughout the whole inquiry; but without the insertion of these words the Estates Commissioners would be precluded from sanctioning any arrangement which recognised that equitable view of the lessees' interest. If, then, the Bill was allowed to pass without those words being introduced, it would be worse than useless; only those bargains could be ratified by the Commissioners that were founded on the strict letter of the law, and they would form the criterion for a compulsory Act. He believed such a Bill would be one which he ought not to support. He could not perceive any reasonable ground for the allegation that the principle of the Bill would be changed. He believed the Bill was intended to do what he wished to do by this addition to the clause; and, looking at the words, they did not give any power to do more than carry out the principle, which had always been admitted, of recognising the equitable rights of the lessees. When he was told this was a very late period of the Session to introduce such a measure, he replied that unless steps were taken to put the question in an amicable train for settlement, it would be as far removed next Session as this from any settlement at all. He believed that delay would be most disastrous to the interests of the Church, and that the exasperation exhibited by some who had advocated the interests of the lessees, would go on increasing every year the question was allowed to remain open. It was a difficult question; but because it was a difficult question, he wished to see the experiment tried, how far the parties could come voluntarily to some arrangement, and how far it would be conducive to the true interests of the Church to allow those moral considerations to which he had referred to be taken into account.

Mr. JOHN STUART wished to have time for deliberation. From the Land's-end to the Tweed there was scarcely a parish in which there was not property of this kind; and hon. Members might be sure their constituents would require an account of their conduct on a matter so important to their interests. The Solicitor General said they were considering a Bill from the House of Lords; but they were not — they were considering alterations proposed by the Solicitor General, which had not been sanctioned by that House. He believed the alteration was a good one; but there had been no time to consider its real effect and meaning. The hon. Member for Exeter said it would change the whole character of the Bill. The hon. Member for Oxfordshire said it would not. The inconsistency could only be accounted for by the fact that there had been no reasonable time for consideration. He (Mr. Stuart) looked upon this as a great national measure, and not as any Government measure; and it would be no disgrace to the Government if they allowed sufficient time to have it properly considered.

Mr. ALCOCK quite admitted the principle of the Bill was most desirable, giving as it did facilities for the enfranchisement of church property, and he thought it no less desirable for the tenant than for church property itself. But he wished to draw the attention of the Committee to the total omission of the sub-lessees, who were not even alluded to. In the heart of Southwark were sixty-five acres of church land, closely built over, and held by two lessees under the Bishop of Winchester. Those two lessees sublet every morsel of it to some 300 sub-lessees, and one of these sub-lessees, renting only to the amount of 100*l.* a year, had laid out 8,000*l.* on his small portion, because the property was considered almost equal to freehold. He gave this instance to show the magnitude of their interests; but no notice was taken of the sub-lessees in this Bill, and he had therefore placed in the hands of the Solicitor General a clause to that effect.

The SOLICITOR GENERAL was understood to say that the clause should receive his attention.

Mr. ALCOCK proceeded to observe that although the Bill might be permissive to the church proprietors and to the lessees, it was not at all permissive to the sub-lessees. The lessee might, by arrangement, enfranchise the land, and turn round to the sub-lessee and say, "This is now my freehold land; there is no permissive act between us." If he understood the Solicitor General would be willing to consider the interests of those parties, he (Mr. Alcock) would not trouble the House; but unless perfect security was given them, he should oppose the Bill at every stage.

Mr. NEWDEGATE said, that the case of the sub-lessees was like that of the tenant-farmers. The words now before the House were merely the recognition of a principle that had never yet been acted on. If due time were given for consideration, such allowances might be made for the rights of the lessees as would avoid injustice to them, and save the property of the Church from confiscation. A meeting was called on this subject a short time since, which was attended by twelve gentlemen from the city of London, and twenty-four gentlemen from the country, and they separated without drawing up a petition to Parliament, because they were convinced that the House of Commons would not proceed with the Bill without further information. Under all these circumstances, he urged the Government to allow time for the definition of the rights of the parties that were affected by this Bill.

On Question, "That the Chairman do report progress," the Committee *divided :* — Ayes 20 ; Noes 58 : Majority 38.

The Amendment of the Solicitor General was then agreed to.

Sir HENRY WILLOUGHBY asked the Solicitor Generul if the leases of farm lands and tithe rent-charges were affected by this Bill ? and called his attention to the report of a Committee upon this subject.

The SOLICITOR GENERAL replied, that the report referred to by the hon. Baronet had been drawn up by the very Committee that framed this Bill in its present shape. There was no objection to any agreements that people might come to amongst themselves—subject always to the control of the Commissioners.

Colonel SIBTHORP said, that the Bill had been proceeded with in a surreptitious manner. The hon. Baronet the Member for Marylebone (Sir B. Hall) had stated that he was in favour of the Bill, and yet had voted against it. Several of his constituents, men of high character and of large property, had told him that they had had no time to consider this Bill; and petitions upon the subject, numerously signed, were now being prepared. Did they mean to deceive the public by adopting the measure in this manner ? or would they have the Bill printed that it might be considered by the public ? He thought they ought to have an opportunity of judging of the nature of the Bill.

Sir HENRY WILLOUGHBY said, he should move, as an Amendment, to add "the leases of farm lands and tithe rent-charges" to the first clause of the Bill. He wished to know how the Solicitor General meant to deal with woods or mines held in this way by leases under a bishop ?

The SOLICITOR GENERAL said, the hon. Baronet had mistaken the report of the House of Lords, which proceeded upon certain rules; whereas this Bill laid down no rules, but allowed the parties to make their own terms as vendor and vendee.

Amendment *withdrawn.*

On the same Clause,

The SOLICITOR GENERAL said, he had no objection to introduce the word "lessee," which would make the clause then read thus, "such bargain as such corporation and lessee shall think fit," thereby naming both parties who were the objects of the Bill.

Mr. CARDWELL thought they would do right to understand the position in which they were placed by the addition to the clause of the words proposed by the Solicitor General. The words "just and reasonable claims" were formally incorporated in the language of the Act of Parliament. Were they sure that they created no legal change by the introduction of those words; and that they were not making any change in the legal and equitable relations of the parties? [*A laugh.*] It was well for Gentlemen to laugh, and he acknowledged that they had the laugh at their side; but would his hon. and learned Friend, who was legally responsible for the clause, say it made no change in their legal or equitable relations? He (Mr. Cardwell) proposed the addition of the following proviso: "Provided always that nothing herein contained shall be deemed or taken to vary or affect the legal and equitable rights, estates, and interests of such ecclesiastical corporations, or of their lessees."

The SOLICITOR GENERAL thought the hon. Gentleman must see that the clause was too wide. "Herein contained" related to the entire clause, but his objection to it was on other grounds; the proviso seemed to say, "We don't mean to say what we have not said."

Mr. CARDWELL would not put the House to the trouble of dividing. He had stated his objection, and let the clause be adopted on the legal responsibility of the Solicitor General.

Clause *agreed to.* Clauses 2, 3, 4, and 5 *agreed to.*

Clause 6, which related to the provision in case of increase or deficiency of income, in consequence of sales, &c., was then proposed.

In reply to a question from Mr. Aglionby,

The SOLICITOR GENERAL said, the Church Commissioners Act gave power for dealing with prebendaries who were willing to surrender their properties, on the footing of a fixed annual income instead of the fluctuating and uncertain incomes which they hitherto received; and the Commissioners would proceed exactly on the same principle under this Bill.

Mr. EVELYN DENISON asked, whether the wording of this clause would not have the effect of enabling the lessors, after having effected arrangements with certain of the lessees, to refuse, if so minded, to enter into similar arrangements with others of the lessees?

The SOLICITOR GENERAL replied, that the clause would have no such effect as the hon. Member suggested; parties must take their chance of advantage or disadvantage under the whole scope of the Bill.

Sir BENJAMIN HALL objected to the Commissioners having the power of striking average incomes, and then taking those averages as the basis for fixed salaries. In almost every instance there had been a great and grievous mistake. The Bishop of Durham had received 80,000*l.* more than he ought; the Archbishop of York had received less; and the Bishop of Salisbury had received 1,000*l.* a year more than he ought. How, then, was it possible to come to an average of this kind?

Clause *agreed to;* as was also Clause 7.

Clause 8 (Power to Ecclesiastical Commissioners to make rules concerning the terms on which sales, &c. should be made to lessees).

The SOLICITOR GENERAL moved, with a view to correct a printer's error in the clause, the substitution of the words "Church Estates Commissioners," for "Church Estates Committee."

Colonel SIBTHORP opposed the clause. He had a right to suppose that the Bill, as put into his hands, was correctly printed; but the Solicitor General got up and informed the House that there was a grave printer's error which he proposed to amend. To his mind, the opposition whic had been given to the Bill by the hon. Baronet the Member for Marylebone (Sir B. Hall) was a mere sham. When he (Colonel Sibthorp) went to buy a horse, he bore in mind the advice "*caveat emptor.*" He could not help feeling that all along there had been an understanding between the members of the Government and the opponents of the Bill; and when he found the Solicitor General proposing Amendments to a measure originating with the Government, he (Colonel Sibthorp), for himself, could not help saying—

"Timeo Danaös et dona ferentes."

Sir BENJAMIN HALL was glad that the Government had testified some desire to modify the clause, which, as originally framed, was intended to pervert the whole of the legislation of last Session, and to place the church property inextricably in the hands of the Episcopal body.

Mr. AGLIONBY thought, that large discretionary powers being conferred on the Church Estate Commissioners, and a most important trust being confided to them, it would be wise not to hamper them with rules and regulations.

Mr. EVELYN DENISON thought that the wiser course by far would be to withdraw the clause altogether. The words that had been introduced into the first clause rendered it unnecessary. If the lawyers were to frame rules, it would much add to their duties, and the rules might be of so stringent a nature as to deprive them of that discretion which it was desirable to place in their hands. He would be disposed to strike out the clause.

Mr. RICE had every confidence in the Church Estates Commissioners, and thought it would be unnecessary to fetter their discretion.

Mr. GOULBURN thought the rules which the clause empowered the Commissioners to make with regard to the sales to lessees, must either be very general indeed, or so particular that they would form a voluminous code. In his opinion, it would be extremely inconvenient to make special or general rules which should bind the Commissioners in all cases.

Mr. NEWDEGATE also thought the clause would be better omitted.

Mr. CAYLEY said, he would move that this clause be struck out of the Bill. Each particular case in each particular diocese ought to be dealt with on its own merits. He had no doubt the Commissioners would act prudently and according to precedent.

Mr. CHISHOLM ANSTEY said, the clause was permissive only. He complained that the Solicitor General had not yet answered the question of the hon. Baronet the Member for Marylebone (Sir B. Hall). He hoped the clause, with the proposed alteration, would be retained. The circumstances under which the Bill was foisted on them at this late period of the Session were most singular.

The SOLICITOR GENERAL would consent to the withdrawal of the clause, and thought the amendments of the hon. Gentleman the Member for Winchester (Mr. Bonham Carter) might be incorporated in the Bill with advantage.

Sir BENJAMIN HALL said, that if he had known it was the intention of the Solicitor General to withdraw this clause, he would have done all he could to oppose the progress of the Bill. The whole pith of the Bill was now taken out; for the best part of it consisted in Parliament knowing what took place in the Ecclesiastical Commission. Nobody could have believed, from the original statement of the Solicitor General, that it was his intention to withdraw a clause which was, in fact, the only salvo of the measure. He thought it much better to report progress, and oppose proceeding with this Bill, which it was attempted to force through the House on the 4th of August. The conduct of the Government was excessively unfair.

Mr. EVELYN DENISON regretted that the hon. Baronet who had just sat down participated in the unworthy suspicions of the hon. and learned Gentleman the Member for Youghal. All he (Mr. Denison) understood to be the sum and essence of the substituted clause was, that the reports and proceedings of the Commission should be laid upon the table of the House at a fixed period.

Mr. AGLIONBY gave the Government credit for a desire to make the measure as perfect as possible, by the substitution of the new clause.

Motion made, and Question put, "That the Clause as amended stand part of the Bill."

The Committee *divided:*—Ayes 8; Noes 51: Majority 43.

Clause 9 (Interpretation Clause).

Mr. J. A. SMITH suggested, that the "Estates Commissioners" be inserted instead of Ecclesiastical Commissioners.

Amendment proposed, in page 5, line 30, after the words "Collegiate Church," to insert the words "Ecclesiastical Commissioners."

The CHANCELLOR of the EXCHEQUER said, the introduction of those words would affect other Bills, and suggested that the Amendment should not be pressed after the expression of opinion which the Committee had shown on the last division.

Mr. J. A. SMITH thought the answer of the right hon. Baronet would justify his pressing the Amendment.

Mr. AGLIONBY supported the Amendment. It seemed to him impossible that it could affect any other Bills in the manner suggested by the Chancellor of the Exchequer.

The SOLICITOR GENERAL said, the Amendment ought not to be inserted in the Interpretation Clause. It ought to have been proposed to have been inserted in some other clause of the Bill.

Mr. CHISHOLM ANSTEY did not think that there was any force in the objection of the Solicitor General.

Mr. CAYLEY hoped that Mr. Smith would press his Amendment to a division.

Question put, "That those words be there inserted."

Committee *divided:*—Ayes 14; Noes 33: Majority 19.

Clause *agreed to.*

Mr. BONHAM CARTER then moved the following Clause:—

"That the said Commissioners shall, from time to time, give to any one of Her Majesty's Principal Secretaries of State such information respecting their proceedings, or any part thereof, as the said Principal Secretary of State shall require, and shall twice in every year send to one of the Principal Secretaries of State a general report of their proceedings under this Act, together with a schedule of all applications for enfranchisement or purchases of interests of lessees; specifying the terms proposed, the terms on which such enfranchisement or purchase shall have been effected, and, if refused, the grounds of such refusal; and every year such general reports shall be laid before both Houses of Parliament within six weeks after the receipt of the same by such Principal Secretary of State, if Parliament be sitting, or if Parliament be not sitting, then within six weeks after the next meeting thereof."

Sir BENJAMIN HALL suggested that the words "on or before the 1st March" should be inserted, instead of "twice in every year."

The CHANCELLOR of the EXCHEQUER said, the fixing of a particular day sometimes led to great inconveniences.

Clause, with the Amendment, *agreed to.*

Mr. CAYLEY then proposed to add a clause limiting the duration of this Act to three years, from the end of the present Session.

Clause *agreed to.*

Sir BENJAMIN HALL proposed a clause to the effect, that it should not be lawful for any ecclesiastical corporation to take, surrender up, or renew any leases without the consent of the Church Estate Commissioners.

The SOLICITOR GENERAL said, this clause would be directly contrary to the effect of the rest of the Act.

Clause *negatived.*

Preamble *agreed to.*

House resumed. Bill *reported* as amended.

LOUIS KOSSUTH, AND OTHERS.

Lord DUDLEY STUART, in moving "an Address for a list of any Addresses to Her Majesty, or Memorials to the Foreign Office, on the subject of the liberation of Louis Kossuth and his Compatriots; with the names of the places from which addressed, and the number of signatures attached to each of them, stating also when signed by a Chairman on behalf of a meeting," observed, that the subject had been repeatedly brought before the House, and questions had been addressed to the noble Lord the Secretary of State for Foreign Affairs, as to the shameful captivity of Kossuth and his compatriots. It was true, many of these unfortunate men had been set at liberty, and had come to this country. He hoped to hear from the noble Lord, and to have the noble Lord's positive assurance, that the rest, with Kossuth himself, would in a short period also be freed. He hoped the event would prove so, for the sake of the Turkish Government, whose credit was involved in having consented to keep them so long, in compliance with unjust demands. He should always consider the Turkish Government had no right to keep them in captivity, as they had done nothing against Turkey. There was a time when the name of Palmerston was sure to elicit a loud and spontaneous cheer; because the people had confidence that the noble Lord was doing his utmost on behalf of the oppressed. But if that name were pronounced now in a public meeting, he was afraid it would be received with far calmer feelings; because the people considered the noble Lord had not persevered in the same earnest and strenuous course in which he set out. He (Lord Dudley Stuart) hoped, however, that British influence would be superior to that of Austria, or Russia, or any other Power which, from vindictive or cowardly feelings, desired to retain these brave men in captivity. He trusted the noble Lord would state whether there was any truth in the report that the intrigues and representations of Austria had prevailed with the Turkish Government still further to detain these noble men; or whether there was any reason to doubt the understanding that Kossuth and his companions would be set at liberty as early as the 15th of September next?

Viscount PALMERSTON said, he should make no opposition to the Motion of the noble Lord. He had often expressed his opinion on the subject on which his noble Friend's Motion was raised. He (Viscount Palmerston) had always regretted that the Turkish Government should have thought it right and necessary to detain so long in confinement those who had taken refuge in the Turkish territory, and who, when they entered it, received from officers in the Turkish service complete assurances of protection from the Sovereign of the country. The House well knew the circumstances which led the Turkish Government to swerve from that engagement, so entered into by their officers; and the House knew also the efforts and demonstrations made by the British and French Governments to support the Sultan in an independent course of action. It was undeniable that the long detention of these captives was entirely inconsistent with the independent action which it was the object of the French and English Governments to enable Turkey to pursue. Her Majesty's Government had not ceased to use all the means of friendly intercourse to induce the Sultan to put an end to that confinement (that detention rather than confinement), and had received a positive assurance that, on the 1st of September by the style which prevailed in Turkey, or on the 15th of September according to our style, those men who had been prisoners would be set at liberty, and would quit the Turkish territory; and there was no reason to suppose that that assurance would not be fulfilled.

Motion *agreed to.*

The House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, August 5, 1851.

Minutes.] Public Bills. — 2^a Crown Estate Paving; Collection of Fines, &c. (Ireland); Constabulary Force (Ireland); Summary Jurisdiction (Ireland); Petty Sessions (Ireland); Canterbury Association; General Board of Health (No. 3).

Reported. — Metropolitan Interment; General Board of Health (No. 2a); Emigration Advances (Distressed Districts, Scotland); New Zealand Settlements; Coal Duties (London and Westminster and adjacent Counties).

3^a Lunatics (India); Metropolitan Sewers; Battersea Park Amendment and Extension; General Board of Health (No. 2); Lands Clauses Consolidation (Ireland); Merchant Seamen's Fund; Appointment to Offices, &c.

GENERAL BOARD OF HEALTH (No. 2a) BILL.

House in Committee (according to Order); Bill *reported* without amendment.

The Duke of NEWCASTLE moved the omission of certain words in the first clause, which related to the confirmation of the provisional orders of the General Board of Health for applying the Public Health Act of 1848 to the towns included in the Bill. The words of the clause said, that the provisional order "shall be, and the same is hereby confirmed, so far as it is authorised by the Public Health Act." He wished to expunge the words, "so far as it is authorised by the Public Health Act." These words led to endless litigation, and rendered it impossible in many cases to carry into effect the intentions of the Legislature. This remark particularly applied to the town of Reading, where the Commissioners under the Act of 1848 found themselves completely paralysed.

The Earl of CARLISLE did not then intend to oppose the principle of the Amendment of the noble Duke; but he put it to his noble Friend whether, looking at the lateness of the Session, and the state of public business, he would not withdraw his proposition for the present, in order not to endanger the passing of sanitary Bills for another year.

After a few words from the Earl of Shaftesbury,

The Duke of NEWCASTLE consented to withdraw his Amendment, and trusted that the Government would consider the whole subject in the interval before another Session. The present mode of bringing in so many separate Bills of this character in a single Session, was highly unsatisfactory, and calculated to bring the General Board of Health into disrepute. It was plain that unless that Board was to be swept away entirely, its powers must be placed on a different footing. The Government must either repose implicit confidence in the Commissioners, or the functions of the Board must undergo a revision.

Lord BEAUMONT thought the Amendment of the noble Duke would enable the Board of Health to make provisional orders without confining themselves (as required by the original form of the clause) within the limits prescribed for them by the law. He was certainly not inclined to assent to any such proposition; and, indeed, after what had taken place the other night with respect to that very sensitive body, the General Board of Health, he was rather disposed to keep a sharp look-out upon them, to see that they did not go beyond the bounds of the law.

The DUKE of NEWCASTLE was surprised that the noble Lord could be so grossly ignorant (if he would excuse him the expression) of the state of the facts as to suppose that the Board of Health were entitled, unless these words were retained, to act contrary to the law of the land. They were just as much bound, without the insertion of the words he had proposed to omit, to act within the limits of the law, as they could be if the words were retained. In fact, the words were perfectly useless, except in producing endless litigation. In the case of the General Enclosure Act, which he had the honour of introducing into the other House seven years ago, and which had since worked very satisfactorily, the Enclosure Commissioners had kept within the law, without the restraint of these words, and they had avoided the litigation which had so embarrassed the General Board of Health.

Amendment *withdrawn;* Amendments made; and Bill to be read 3^a To-morrow.

REMOVAL OF DOUBTS AS TO PENALTIES ON ASSUMPTION OF ECCLESIASTICAL TITLES BILL.

Order of the Day for the Second Reading read.

LORD MONTEAGLE rose to move the Second Reading of a Bill which he had introduced, for the purpose of removing doubts as to the penalties attaching to the assumption of Ecclesiastical Titles under the Act which had recently engaged so much of the attention of Parliament. The noble Lord said, the object of the Bill was exactly the same as that of the clause which he had proposed a few nights ago as an addition to the Ecclesiastical Titles Assumption Bill. That clause had been introduced in the spirit of peace, in order to prevent the mischievous consequences which he considered might arise under the Bill as it then stood. During the recent discussion only one feeling had been manifested on all sides, namely, that of extreme regret that any circumstances should have occurred to render legislation of such a description necessary; and it had also been admitted in the debate that if all that the Roman Catholics of England professed to seek by the recent act of the Pope had been asked for in what was called a reasonable manner, no objection could have been offered, and the Government might have acceded to the demand. But there were three points of view in which the Rescript of the Pope had been made the subject of animadversion, namely, first, because it claimed territorial authority by establishing prelates terming themselves bishops or archbishops of particular sees in this country. Nobody had denied the power of the Pope to send bishops to this country in a spiritual capacity, if they did not take territorial titles. The next objection was, that the Papal Rescript put forward a claim to authority as it were over the whole of the Queen's subjects, and not simply over the members of the Roman Catholic Church; and the third objection was, that the prerogative of the Sovereign had thereby been invaded. After what had transpired, he wished distinctly to state (and he particularly called the attention of the noble and learned Lord on the woolsack to this fact), that the clause which he had proposed for the removal of doubts as to the exercise of rights to which nobody had objected, had been twice printed in the Votes, and it remained on the notice paper from the 25th to the 29th ult., so that there was not one of their Lordships who was not in possession of its precise purport; and the House had therefore been fully forewarned that it would come under its consideration. The noble Lord went on to say that he thought the people of Ireland ought, at all events, not to be left in doubt and uncertainty respecting the operation of the Ecclesiastical Titles Assumption Act, and therefore he hoped their Lordships would give a second reading to this Bill.

Moved, That the Bill be now read 2^a.

The MARQUESS of LANSDOWNE said, he felt bound to oppose the Bill on the same grounds as those which he had stated on a former occasion, when he entreated their Lordships not to admit into the Bill, which had now become law, the clause proposed by the noble Lord. He moved, as an Amendment, that the Bill be read a second time that day three months.

Amendment *moved,* to leave out "now," and insert "this day three months."

The LORD CHANCELLOR observed that the Bill, as framed, instead of removing doubts, tended to create a great deal of doubt and ambiguity.

The EARL of ST. GERMANS inquired whether, in the opinion of the noble and learned Lord, an indictment would lie against a Roman Catholic bishop for collating a priest to a benefice, which was strictly a matter of jurisdiction within his diocese?

The LORD CHANCELLOR replied, that any act done by virtue of the spiritual office of bishop would not be an act of jurisdiction in the sense intended by the noble Earl; and the act referred to he conceived to be such a one as the bishop would discharge in his spiritual character.

On Question, that the word "now" stand part of the Motion? *Resolved* in the *Negative;* and Bill to be read 2ª *this Day Three Months.*

ADMINISTRATION OF CRIMINAL JUSTICE IMPROVEMENT BILL.

The LORD CHANCELLOR moved, that the Commons' Amendments to this Bill be *considered.* He would advise their Lordships to agree to the Amendments which had been made, with one exception. The Commons had struck out the clause which gave the Judge, when he directed an amendment in an indictment, to be made on the trial, the power of discharging the jury, and postponing the trial of a prisoner, so that no one might be taken by surprise. The Commmons had struck out this provision, thus leaving the law in a state which he was satisfied would frequently work injustice, and therefore he recommended their Lordships not to assent to that alteration.

The Motion was agreed to.

Some Amendments *agreed to,* and others *disagreed to;* and a Committee appointed to prepare Reasons to be offered to the Commons for the Lords disagreeing to one of the said Amendments.

LAW OF EVIDENCE AMENDMENT BILL.

The Commons' Amendments *considered.*

The LORD CHANCELLOR moved, that their Lordships should dissent from the Amendment introduced by the Commons enabling wives to be examined in civil suits for or against their husbands. He said that this question had, when the Bill was originally before their Lordships, been very much discussed, and that he believed the unanimous decision arrived at was, that it would not be advisable to alter the law with respect to the admissibility of wives as witnesses. He contended that any clause which should render their testimony admissible, would be a direct violation of the confidence necessary to domestic life; that if such a law were to prevail, there would no longer be that unrestrained and familiar intercourse between husband and wife, which was essential to real happiness; that an attorney is not permitted to disclose his client's secrets, much less ought a wife to be compellable to betray her husband; and that if a wife were competent to be examined on her husband's behalf, she would constantly be liable to undue solicitation and pressure on his part, in order to induce her to overstep the boundaries of truth. He also moved to reject the Amendment of the Commons which had struck out from the Bill the clause requiring notice to be given whenever any party desired either to give evidence himself, or to call his opponent. He said that this was a most beneficial clause, which would save much expense, by absolving parties from the necessity of attending in court from day to day, in the event of no notice being sent, and that otherwise they would always have to attend lest their opponents should give some testimony which they could either contradict or explain away.

LORD CRANWORTH differed from his noble and learned Friend on both points. As to the examination of wives, he originally thought, and he was still of the same opinion, that a middle course ought to be adopted between the extreme views of the Commons on the one hand, and the extreme views of his noble and learned Friend on the other, and that wives ought to be competent to give evidence for their husbands; but not compellable, except in due course of cross-examination, to testify against them. There were many cases, especially among the humbler classes, where the wife acted as the husband's agent, and where to exclude her testimony, would be to deprive the husband of the power of establishing a just, or defeating an unjust, claim. He felt as forcibly as his noble and learned Friend, the expediency of preserving inviolate the sanctity of domestic confidence; but this argument did not in any way apply where the husband voluntarily tendered his wife as a witness. His noble and learned Friend's illustration with respect to attorneys was, in fact, his argument. He would place the wife in a position analogous to that which an attorney occupied, who might be examined for his client, but could not be forced to betray his secrets.

The EARL of MINTO strongly urged his noble and learned Friend on the woolsack to yield to his noble and learned Friend's suggestion, contending that it was of the greatest importance to avoid any hazard of losing so inestimable a Bill as that before the House.

The EARL of CARLISLE made a similar application, saying, that in order to render quite safe a Bill of such paramount importance, it was advisable to meet the Commons half way.

The LORD CHANCELLOR, however, declined to yield.

LORD CRANWORTH then said, that he would not divide the House.

Amendment respecting competency of husband and wife, *disagreed to*; that as to notice, *agreed to*; other Amendments, *disagreed to.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Tuesday, August 5, 1851.

MINUTES.] PUBLIC BILLS. — 3° Duchy of Lancaster (High Peak Mining Customs and Mineral Courts.

PATENT LAW AMENDMENT BILL.

Order for Committee read. House in Committee.

Clause 8 *agreed to.*

Clause 9.

The ATTORNEY GENERAL stated that as this clause originally stood, a person who applied for a patent would be entitled to protection for six months on depositing a specification, and obtaining a certificate from an Examiner that it was a true description of the invention, and no one would have an opportunity of opposing it until the period of provisional registration had expired, and the inventor applied for his patent. It had, however, been said, and he thought there was a good deal in it, that it would be objectionable to prevent a party whose rights would be interfered with by the new patent, from opposing it until six months after provisional registration. He therefore proposed to amend the clause, so as to direct the Commissioners to cause every application made for provisional protection to be advertised in the *London Gazette*, so that any person having or claiming to have any interest in the intended patent should give notice to the Examiner, within fourteen days after such advertisement, of any objection he might have; and protection should not be granted until the Examiner had certified both that the specification correctly described the invention, and that the objections made to the grant ought not to be allowed.

Clause, with amendment, *agreed to;* as were also Clauses 10 to 13 inclusive.

Clause 14 (Law Officer to refer specification and objection to an Examiner for his Report).

MR. MUNTZ said, he should like to know what was the meaning of the word "utility" in the clause? Did it mean that the invention was to be useful to the public before a patent would be granted? He did not think that any one or two individuals could decide as to the utility of an invention. He thought it would be better if the word were omitted altogether, and he should take the sense of the Committee upon it.

The ATTORNEY GENERAL said, that the "utility" contemplated by the clause was public utility; the word had been introduced at the suggestion of the Manchester Association, in order to prevent absurd and trifling inventions obtaining a protection, which might stand in the way of subsequent and really useful inventions.

MR. CORNEWALL LEWIS differed from his hon. and learned Friend, and thought that the "utility" referred to was private utility—utility to an individual from an object which had an exchangeable value.

SIR JAMES GRAHAM said, that the difficulty was as to the construction to be put on the word "utility." On the one hand it might be understood to mean public utility, while on the other it might be regarded in the sense of utility to the person who sought to obtain a patent for his private gain; and it was one of the inconveniences arising from proceeding with such a measure at so late a period of the Session, that there could be no opportunity of discussing points of such nicety. He entertained objections to this measure, because it proposed to create a set of new officers, designated Examiners, who, it appeared to him, were to perform the functions which had hitherto been performed under the responsibility of the law advisers of the Crown. It was impossible to believe that the law officers, before they formed a judgment upon an application, and advised the Crown to grant a patent, did not satisfy themselves that the invention was likely to be useful, and was of such a character as to justify them in recommending the Crown to allow an exclusive right to be exercised against the community for a limited period. He wished to ask what had been the principle upon which the law advisers of the Crown had hitherto recommended patents, with regard to the two points—novelty and utility? He had no doubt, although the law officers of the Crown were accomplished gentlemen, and had an opportunity of informing themselves with respect to improvements in trade and commerce, that before advising the Crown to grant exclusive patents as against the public, they had called to their aid persons who had really performed the functions of the proposed Examiners. The law officers had heretofore covered all these inquiries, but now it was sought to relieve them altogether of the responsibility. It appeared from this Bill that they were to delegate the inquiry to Examiners, on whose report—without exercising any judgment of their own, except within the limits of such report—the law officers were to ground their recommendation to the Crown.

The ATTORNEY GENERAL believed that since he had been in office no patent had been granted for any invention the usefulness of which was not apparent. [An Hon. MEMBER: To the public, or to the individual ?] He meant to the public—that was always his first consideration; for, so far as the individual patentee was concerned, he must take his chance. As the existence of a patent right sometimes prevented others from embarking in the same course of invention, he (the Attorney General) did not think that a patent for an invention that would be absolutely useless to the public, ought to be granted. He did not consider that under this Bill the legal advisers of the Crown would be bound by the report of the Examiners; who, in his opinion, would act, as it were, as the pioneers of the law officers, and direct their attention to the different points of each case. In many cases which had occurred under the existing law, the legal advisers of the Crown had called in the assistance of scientific gentlemen, who had made reports to them, or aided them by personal suggestions. The advice thus obtained, however, was a sort of private assistance; and he thought it would be better that such assistance should be rendered by persons before the public, who were clothed with a certain official character, and who were responsible to the public, which was the course proposed by this Bill. Still he must say, that he would never consider himself bound by the report of the Examiners; and indeed the 15th section of the Bill provided that if any person deemed himself aggrieved by reason of any report of the Examiners, such person might claim to be, and should be, heard before the law officers themselves.

MR. HENLEY thought that it was still a question whether the Examiners would not discharge to a great extent the duties of the law officers; nor did he see the good of appointing them, when it appeared that such assistance of this kind as was required was already provided by the law officers of the Crown. He thought that the word "utility" would be better out of the clause.

The ATTORNEY GENERAL said, that he had no objection to strike out the word "utility."

MR. RICARDO opposed the Motion, because, although all the gentlemen examined before the Committee concurred in the opinion that no tribunal could decide upon the utility of inventions, still he thought they had no excuse for granting these monopolies, except on the ground that the inventions were beneficial and useful to the public. At the same time he did not think it possible for any person to determine in all cases whether an invention would be useful to the public or not—that was evident to any person who read the evidence taken before the House of Lords.

SIR DE L. EVANS thought it better that the word should be left out. The great merchants of Manchester were desirous that the word should be left in. That made him more suspicious of the word.

The ATTORNEY GENERAL moved that the word be struck out.

Amendment proposed, page 5, line 26, to leave out the words "and utility."

MR. W. WILLIAMS said, the further they got into the Bill the more evident it was that they were proceeding in the dark. The hon. and learned Gentleman (the Attorney General), who defended the word "utility," now moved its omission.

MR. J. GREENE said, that if the invention was useless, it did not in the least concern the public; but an invention, though useless in itself, might contain the germ of future utility. He thought that it would be better to leave out the word.

MR. CORNEWALL LEWIS said, that what he meant by private utility, was utility which would be useful to the individual in exchange. That could not be, of course, unless it was useful to the public.

SIR JAMES GRAHAM said, that the hon. Member for Stoke (Mr. Ricardo), who had the advantage of reading the evidence taken before the House of Lords on this subject, which he (Sir J. Graham) had not, had stated that no person could read that evidence without feeling that no tribunal could decide on the utility of an invention. That being so, he came to a different opinion from the hon. Member, and would vote against the retention of the word. At all events if it was retained, the word "public" should be put before it.

Mr. J. L. RICARDO said, that there was no excuse for patents at all, unless their utility was taken into consideration. A patent in old times, for instance, had been granted for a fish-call, by which fish were to be induced to enter the nets of fishermen. That was undoubtedly quite a new thing; but would the Attorney General grant a patent for such a thing as that? Then, again, a patent had been taken out for making people go to sleep to the sound of soft music. That was not only novel, but useful; but would the Attorney General grant patents for such things as these? Would the hon. and learned Gentleman grant a patent in such a case?

The ATTORNEY GENERAL said, that the hon. Gentleman's objections and most of the objections which had been urged, applied to the question whether there should be a patent law at all. That was to discuss the principle of the Bill. They had now arrived at a very late period of the Session, and their object should be to extract all the good that was possible from this measure, the House having decided that the principle of patents should be adhered to, at least for the present. He had been asked to leave in the word utility, particularly by the manufacturers of Manchester; but, from the discussion in that House, he was of opinion that it would be better to omit it.

Question put, "That the words 'and utility' stand part of the Clause."

The Committee *divided:*—Ayes 1; Noes 48: Majority 47.

Words *struck out;* Clause *agreed to;* as were also Clauses 15 to 17 inclusive.

Clause 18, which limits the operation of the Bill to the United Kingdom, the Channel Islands, and the Isle of Man.

Mr. LABOUCHERE stated (in reply to a question from (Mr. Spooner), that the present state of the law produced a great deal of complication and difficulty; for while it was one of the prerogatives of Her Majesty to grant patents extending over the whole British empire (with the exception, perhaps of India, about which there was some doubt), the local Legislature of a colony had also power to grant a patent for that colony; the consequence was, that patents were granted by both the Crown and the local Legislatures, and the greatest difficulty and confusion arose. It had, therefore, been thought best to confine the patents granted here to the United Kingdom, and leave the Colonies to deal with the matter as they thought fit. And, in fact, this was now practically the case. For seeing the great confusion that resulted from this double granting of patents, the Secretary of State for the Colonies intimated to the Attorney General, about six months ago, that he wished no patents should be issued for a colony without consulting him; and without a special case a patent would not be issued.

Sir JAMES GRAHAM thought this discussion became more complicated as it proceeded. Here was another most important question incidentally raised. The right hon. Gentleman (Mr. Labouchere) had now gone to the root of the whole question of patents, and, in the exercise of the large powers entrusted to him, said, that in future no patents should be granted which should extend to the Colonies. The Government had, therefore, virtually decided that any invention perfected and patented at great cost here, should be used freely by the colonists. He could not conceive a stronger argument against the principle of the patent law, or one that more showed the necessity of postponing this Bill. There really was not time now to give due consideration to a measure involving such interests as this did. It came down but lately from the House of Lords, and already thirty new clauses had been introduced into it in the House of Commons. Besides the provisions respecting compensation, those with regard to fees were changed; but there were still great objections to be urged to them; there ought not to be a farthing paid for the establishment from the public purse; the fees should be so regulated as to pay the whole expense of compensation to the old, or of salary to the new officers; the system must be made to pay its own way. Clause by clause the Bill would be found to touch important principles not yet fully discussed; and the further the House proceeded, the more they would become aware of the importance of the subject, the insufficiency of the time they could now devote to it, and the inadequate attendance of Members representing the great commercial and manufacturing interests. He would not interrupt the progress of the Bill by making a speech; but he did not see how justice was to be done to so important a subject within the time that could now be given to it.

Mr. LABOUCHERE was very sorry to find the right hon. Baronet casting the weight of his great authority into the scale of the objectors, hitherto very few in number, to the passing of this Bill in this Session. The disappointment on the part of the public, and the inconvenience sustained if it should not pass, would be so great, that nothing on his (Mr. Labouchere's) part should be spared to prevent its postponement, nor would he be responsible for its being deferred—but of course he was in in the hands of the House. It would be very inconvenient to be discussing continually whether there should be a patent law or not; the Bill had been read a second time, proceeding as it did upon the principle of maintaining the patent law, but removing glaring defects in it; and Gentlemen opposed to any patent law might be willing to amend palpable defects. As to new clauses, the Attorney General had recast the Bill, and split up clauses, and multiplied their number; but it had not been done by introducing new matters and making substantial alterations. The money clauses were, of course, for the House of Commons to settle.

Mr. HENLEY said, that the right hon. Gentleman himself (Mr. Labouchere) had thrown this new apple of discord amongst them; and it seemed to him that a more important question could not have been raised than that which related to patents in the colonies.

Mr. FORSTER was surprised at the opposition this Bill met with. He thought that it was settled that it should be passed without opposition, and that the principle should be discussed next Session. He thought the Government ought to receive the greatest indulgence from the House.

Mr. J. L. RICARDO could not imagine what degree of indulgence the Government expected when they brought in a Bill of 51 Clauses at this period of the Session on so important a subject, and wished to pass it without fair discussion. This question of the Colonies opened up the whole principle; and, not content with that, an hon. Gentleman (Mr. Cardwell) had raised also the question of sugar refining. In the colonies sugar was refined without any patent, whereas in this country the refiners had to pay enormous royalties, He knew one house which paid 20,000*l.* a year; and if the system was good for anything, it was surely as good for the Colonies as it was for this country.

Mr. LABOUCHERE assured the hon. Gentleman that the Bill did not alter the law one tittle with respect to sugar refining.

Mr. CARDWELL, notwithstanding this assurance, would remind the House of the case of the sugar refiners of Liverpool, who complained of this part of the Bill, and from whom he had presented petitions to the House to that effect.

Mr. LABOUCHERE explained, that in times past, patents did extend to the colonies, and that it was only in future that patents with such powers would not be granted.

Sir JAMES GRAHAM said, it appeared to him that the right hon. Gentleman had raised a question not only of fiscal importance, but one of great constitutional moment, and one that affected in the highest degree the prerogatives of the Crown. It appeared from the statement of the President of the Board of Trade, that the Crown had the prerogative of granting patents in the Colonies. This prerogative had been been restricted by Her Majesty's Ministers; and now the House of Commons was called upon to give legislative effect to this restriction. There was also evidently great division of opinion amongst Her Majesty's Ministers upon this subject. The Vice-President of the Board of Trade in the House of Lords (Earl Granville), when introducing this Bill, expressed a decided opinion adverse to the principle of patents altogether. The noble Secretary for the Colonies (Earl Grey) agreed with the Vice-President of the Board of Trade; and now it was found that the advisers of the Crown had put an end altogether to patents in the Colonies. Was it right, then, to continue a system in England which had been condemned in principle by the advisers of the Crown? And were they to legislate upon a question which the divisions in Her Majesty's Council rendered still more doubtful?

Mr. LABOUCHERE assured the right hon. Baronet that he was mistaken. The Vice-President of the Board of Trade (Earl Granville) had certainly expressed an opinion, shared by the majority of the Lords'

Committee, that the principle of patent laws was vicious, and ought to be discarded; but he and all the Committee held it most desirable that this Bill, remedying monstrous and glaring evils in the present system, should pass into a law at once; and they thought that the public opinion of this country was not ripe for so great a change as the abolition of patents. He (Mr. Labouchere) had not thought it right to express any opinion to the House upon the subject, not considering it to be fairly before them. The Secretary for the Colonies had expressed no opinion upon the principle of the patent law; all he had said was, that there should not be two ways of granting a patent for a colony—by the Crown here, and by the local Legislature; and that it should be left to the local Legislature, and not granted by the Attorney General here, at least without reference to the Secretary of State, and special ground laid. But patents were not done away with in the Colonies, or forbidden to be granted by the local Legislatures. If the right hon. Gentleman had determined to oppose the Bill passing this year, it would be vain to contend with him; but such a result would be a great disappointment to very many persons, and the law would be left in a most scandalous state.

Mr. HENLEY apprehended that the House was asked to confirm the decision of the Secretary for the Colonies, and to restrain the exercise of the prerogative as to the Colonies in future; and this was to be done with great haste and little consideration, because some five hundred people had got things locked up in a glass house, and wanted to take out patents, and it was desired to give them an improved mode of doing it. Why not strike out this clause, and leave this question open?

Sir J. GRAHAM observed, that this clause altered the law materially, and yet did not appear necessary for the objects desired by the right hon. Gentleman (Mr. Labouchere).

Mr. LABOUCHERE would deeply regret if he should not be able to pass this part of the Bill, but certainly felt the great importance of passing as much of it as he could secure. He must consider the point in conjunction with the Attorney General, and let progress be reported now.

House resumed. Committee report progress.

THE ST. ALBANS BRIBERY COMMISSION BILL.

Order for consideration of Lords' Amendment read.

Mr. BOUVERIE moved, that the House should disagree with the Amendments which the House of Lords had introduced into the St. Albans Bribery Commission Bill. The first seven or eight Amendments had the effect of restricting the inquiry to the last election; while the Bill as passed by that House proposed to extend the inquiry to previous elections, at which it appeared by the report of their Committee, that bribery had been practised. The Amendments introduced by the House of Lords would also be inconsistent with the preamble of the Bill, which alleged that the practice of bribery had prevailed in the borough long previous to the last election. The second class of alterations were such that whereas the Bill, as it left that House, contained strong provisions to compel persons to give evidence (preserving them from any inconvenience by a proviso), the House of Lords had provided that no party should be compellable to give any evidence or produce any document which might tend to criminate him.

Motion *agreed to;* others of the Lords' Amendments *disagreed to;* and a Committee appointed " to draw up Reasons to be assigned to the Lords, for disagreeing to the Amendments to which this House hath disagreed."

THE MILITARY KNIGHTS OF WINDSOR.

Colonel SALWEY then brought forward the Motion of which he had given notice for the appointment of a Select Committee to inquire into the case and claims of the Military Knights of Windsor, as set forth and referred to in their two petitions presented to the House upon the 7th day of August, 1846, and 23rd day of February, 1847, and which were further set forth and referred to in the petition of the 20th of April, 1849, by several electors, tax and ratepayers of the borough of New Windsor. The hon. and gallant Member had proceeded to some length in his statement, when

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

The House was adjourned at half after Six of the clock.

HOUSE OF LORDS,

Wednesday, August 6, 1851.

Minutes.] Public Bills.—*Reported.*—General Board of Health (No. 3).

3ª Canterbury Association; Coalwhippers (Port of London); Summary Jurisdiction (Ireland); Petty Sessions (Ireland); Collection of Fines, &c. (Ireland); Metropolitan Interment; Crown Estate Paving; General Board of Health (No. 2a); Emigration Advances (Distressed Districts, Scotland); New Zealand Settlements; Constabulary Force (Ireland).

Their Lordships met, and having gone through the business on the Paper, the House adjourned till To-morrow.

HOUSE OF COMMONS,

Wednesday, August 6, 1851.

Minutes.] New Member Sworn.—For Limerick City, the Earl of Arundel and Surrey.

Public Bills.—1° Ports and Harbours.

3° Episcopal and Capitular Estates Management (No. 2).

ATTENDANCE OF MEMBERS IN THE HOUSE OF PEERS.

Lord **JOHN RUSSELL** then moved for a Select Committee to settle the order in which Members shall accompany Mr. Speaker on all occasions when Her Majesty shall command the House to attend Her Majesty in the House of Peers; to consist of Lord John Russell, Sir Charles Wood, Sir James Graham, Mr. Henley, Mr. Goulburn, Sir J. Y. Buller, Sir De Lacy Evans, Mr. Bernal, Sir J. Duckworth, Sir Joshua Walmsley, Mr. Evelyn Denison, Mr. Brotherton, Lord Marcus Hill, and Mr. Greene; three to be a quorum. His Lordship remarked, that on previous occasions there had been some want of decorum, and considerable inconvenience, and even danger, to Members, in obeying the summons of Her Majesty to attend Her in the House of Lords.

Committee *agreed to.*

EPISCOPAL AND CAPITULAR ESTATES MANAGEMENT (No. 2) BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

Mr. **HENLEY** said, that all the further consideration which he had been able to given to this Bill, had only confirmed the opinion which he had expressed in the first instance, that (however paradoxical it might appear) this was a measure which would work injuriously both to the Church and the great body of the lessees. He believed that, under it, good bargains would be made by certain rich parties in the Church; but then, as a drawback to the advantage which the Church might derive from such transactions as these, must be considered the risk that she would run from having to reinvest the money thus realised in land; and, in fact, independent of the great expense that must attend it, it was hardly possible for such a transaction to take place without the Church selling at a low rate and buying at a dear one. But the great body of lessees of Church property were persons who could not afford to buy out the land they held; and as the tendency of this Bill would be to prevent the renewal of leases, the poorer classes of lessees would inevitably lose all the benefit of their holdings. It was quite clear that if, under the operation of the Bill, worked by the richer classes, a sum of money was placed in the hands of the Ecclesiastical Commissioners, they would be armed with a power that they must, and would, use in refusing to renew to the poorer lessees; and when these parties hereafter pressed for some legislation respecting renewals, the answer would be, "You have the opportunity of enfranchising, why don't you?" There was one point to which he wished to call the attention of the Solicitor General. When a renewal took place, there must be a surrender of the old lease; and this being a surrender of the property, he doubted whether, whatever terms might be made, it would not be brought under the operation of this Bill. He objected to this Bill on account of the little time which had been given for its consideration. He did not believe that the parties who took charge of the interests of the Church could be exactly aware of what the Bill would do; and he was sure that the great body of the lessees had no idea of the position in which they stood, or of the effect which the great amendments which had been introduced into this Bill in that House would have upon their interests. Considering, then, the vast amount of property concerned in this matter, and that it was not fair, wise, or decent that, after not a fortnight's consideration of this measure in both Houses, Parliament should proceed to legislate upon so important a matter, he should move that the Bill be read a Third Time that day Three Months.

Colonel **SIBTHORP** seconded the Motion, expressing his opinion that the Bill had been pressed through the House with so much haste, because it contained some underhand proceedings which the Government were afraid to submit to the fair consideration of the parties interested in it.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day Three Months."

Mr. J. A. SMITH hoped the House would agree to the third reading. He was not insensible to the truth of the remarks that had been made with regard to the haste with which the measure had been got up, and the lateness of the period at which it had been presented to the House; but he believed that the lessees, as a body, were greatly interested in the Bill becoming law. They had been suffering most unjustly for years from the consequences of legislation. As long as they had only to deal with the Church, they were satisfied that the interests of lessors would lead them to continue the practice of renewal; but when the Legislature vested a large portion of church property in the Ecclesiastical Commissioners, the lessees were placed in a position of the greatest difficulty and embarrassment. In fact, the lessees of that property had been unable to deal with it in any way; they could neither sell it nor mortgage it, and existing mortgages had been called in. This Bill might not entirely remove the difficulty, but it gave the parties a chance of dealing with the property in some way or other. It fell very far short of meeting the full necessities of the case, and he hoped it was only a prelude to legislation which would make a settlement in regard to the leasehold interests of the Church compulsory; but the present state of uncertainty so seriously embarrassed the lessees, and they had been so unfairly dealt with by recent legislation, that it was desirable that the Session should not close without giving them a chance of making some use of their property. He regretted that the right hon. Gentleman the Member for Cambridge University (Mr. Goulburn) had declined to answer the question he put to him the other day, and which he should have repeated if the right hon. Gentleman had been present now, in reference to the property now in the hands and under the management of the Ecclesiastical Commission—whether it would be dealt with in the manner in which they would have to deal with property under this Bill? There was a general impression that the Commissioners had refused to renew all leases; and it was notorious that they had proposed terms of enfranchisement with which it was impossible to comply. Surely it was no more than justice that the holders of this property should know the principles upon which the Church Estates Commission intended to proceed. However, believing that, upon the whole, the Government were doing great good to the lessees by this Bill, and indeed had done their best, and were not responsible for the errors and omissions in the measure, he should support the third reading.

Mr. ALCOCK begged to say, in reference to the interests of the sub-lessees, for whose protection the Solicitor General had prepared a clause, that he was perfectly satisfied with the clause.

Sir HENRY WILLOUGHBY would vote for the third reading, though he did not quite like the Bill, and must say, he thought the House ought to know what was the principle upon which the property that was falling into the hands of the Ecclesiastical Commission was now being dealt with. The urgency of the Bill very much depended upon that. Was it the fact, or not, that they were refusing to renew? Were the lessees checkmated? Were they to be compelled to enfranchise at all hazards? Surely some broad principles, some more strict and definite rule or rules, might be laid down as to the right of renewal; it was a very awkward and unsatisfactory position for the lessee to have to rely upon the vague words introduced into the Bill, and which appeared rather directed to the good feeling of the Church Estates Commissioners.

Mr. AGLIONBY was gratified to find that all those who had now addressed the House seemed agreed with regard to what was honest and fair dealing, and were not disposed to sacrifice long-established interests. They admitted the fair, and reasonable, and equitable claims of those who had had this property so long, and would not support the monstrous proposition (it would be supported by very few in that House, however it might be entertained by some in another place), that the lessees had nothing but a bare common right, the same as an ordinary tenant from year to year. The noble Lord (Lord J. Russell) seemed, upon the whole, to be holding the scales pretty even, and doing justice to both parties. If anything, the preponderance was rather against the lessees; but the advantage preponderated over the danger.

A compulsory system might be ultimately necessary, but some good would arise out of this permissive one. It had been suggested that an ecclesiastical body, under a permissive measure, might say to a lessee applying as to terms, "No, we will neither sell nor buy; we will run out your lease;" but he (Mr. Aglionby) did not believe that any ecclesiastical body would dare to do that, which would be such a palpable evasion of the intentions of the Legislature. Higher terms than the lessee would give might be required; but still there would be some good gained, for it would be ascertained what arrangements had been attempted, and what terms asked; and if it should be found that the ecclesiastical body were not dealing fairly, Parliament would interfere and see that justice was done. He (Mr. Aglionby) had great doubt once whether the lessees would not be sacrificed by this Bill; but he thought it impossible for any one to get out of the words now introduced by the Government. The recognition was plain and decided, that the long-continued course of renewal had given a right; and he believed the Commission would carry out the words honestly and fairly. The lessees could not be justly deprived of a right—he would not call it a legal right, but one based upon the practice of centuries; indeed, he could point to statutes that might be thought to favour a claim in point of law, but he would not go upon that, but upon the moral right. They had been induced to lay out their money and build; whole streets and towns had been built upon the moral certainty of renewal. Would any one say that was to be disturbed and swept away? The country would not stand it, and he did not believe the Church would attempt it. The words introduced into the Bill placed the matter upon a fair footing, and he was for passing the Bill.

Mr. ROUNDELL PALMER should have felt it his duty to vote for the Amendment if he could believe that the House was agreeing to a Bill committing it to the views of the hon. Members for Cockermouth and Chichester; but he should abstain from voting for the rejection of the Bill, because he was sure that, according to its honest and its legal construction, it could not have the effect of pledging any ecclesiastical corporation to those views. The claim of the lessees was a claim by private individuals, for their private interests, against the public; a claim founded on no legal or equitable right—founded on nothing but this, that a course of mismanagement by those intrusted with the administration of the public interests in respect of church property had existed for a considerable period, from which the lessees, as a body, had derived large benefits, and they, to a certain extent, had the expectation of continuing to derive those benefits. A similar course of mismanagement might have existed with respect to Crown lands and lands in Ireland, where tenants expected renewals, because the landlords had been in the practice of renewing. But a man could not acquire a vested interest in the mismanagement of public property. He knew it to be public property; he knew that no contract could give him a right to the continuance of the advantages he thus derived; he knew that he was dealing with public bodies, with bodies responsible to the public, and who might be controlled and set right in the management of the property by Parliament at any time. No doubt there might be some degree of consideration which it would be fair and right, and consistent with a due regard to the public interests, for the Church Commissioners to give to the expectations lessees had been induced under particular circumstances to entertain; but to say that the expectations founded on such abuses had been encouraged by the law or the Legislature, and had grown up and existed in such a shape as to make an unalterable custom, with which Parliament could not interfere, was to state a proposition totally unfounded in fact. It must have been well known to the lessees that as long ago as the reign of Queen Elizabeth, when there were alienations of church property going on, which the Legislature thought it right to interfere to prevent, an Act was passed putting it out of the power of any ecclesiastical corporation to bind the property of the Church for more than twenty-one years, or three lives. The lessees must have been fully aware that their expectations were precarious. Whatever moral obligation the Church might have contracted in particular cases towards individuals, should be taken into account; but it was a thing too nice to admit of measurement by Act of Parliament. There had been no course of dealing which warranted the lessees as a body in reckoning on perpetual renewal. The terms had been altered from time to time. The Church had imposed varying terms as to fine and rent upon successive renewals.

That was inconsistent with anything but dominion over the property. The Church, too, had been placed in a very different position with regard to its property in recent times; formerly it could come to Parliament and obtain grants for church extension, but now it had become a settled rule that church extension must be provided for out of church property. The spiritual wants of the people were admitted, and the inadequacy of church property to provide for them, and an address had been carried to the foot of the Throne, praying for the adoption of measures by which the church property would be made more available for those wants: the House had shown their deep sympathy for the spiritual wants of the people, and their desire that church property should, as far as possible, be made available for the supply of those wants. The public interest must predominate over the rights of any lessees, and the Legislature should not wantonly sacrifice the church property to the claims of any individuals, unless they found that these claims rested upon a solid basis of law or equity, or that some adjustment could take place which might at the same time be beneficial to the Church, and recognise as far as was reasonable any moral claims on the part of lessees. He would vote in favour of the third reading of this Bill, because he thought it went no further than that, and involved no pledge whatever that there should be any future legislation on the subject that would recognise any greater rights on the part of lessees than he had referred to.

Mr. HEADLAM was of opinion that the Commissioners ought to pay due regard to the just and reasonable claims of parties arising from the practice of renewal. It had been argued that no one could acquire rights through the mismanagement of public property; but from that proposition he must express his dissent, reminding the House of the case of copyholders; he should refer also to what had occurred in regard to Crown lands, for the purpose of showing that the view which he impugned was utterly inconsistent with the public law. The fact was, that Parliament by its legislation, and ecclesiastical bodies by their practice, had promoted the growth of such rights; a particular mode of dealing with reversions grew up which conferred a right on lessees; and now that the House had taken from the lessees the right of renewal which they had undoubtedly had, care ought to be taken that, by the alteration of the law, the moral right which they had under the circumstances should suffer no prejudice.

Mr. BARROW thought that the episcopal body would be enabled to deal more effectually with spiritual destitution by the sale of reversions, than they could by waiting thirty or forty years till leases ran out. With reference to the claims of lessees, he challenged any one to show that one shilling had been invested in building, drainage, or enclosure by the Church; and the annual value of the property held by lessees was owing to the investment of capital by those lessees from time to time. When Parliament enabled the Church to grant such leases, it enabled the Church to hold out inducements to lessees to invest money in the improvement of the property.

Sir MONTAGUE CHOLMELY expressed his intention of voting against the third reading of the Bill. It had been much improved; but having been proceeded with when the House was so thin, he thought it was not desirable to persist in a measure which, under such circumstances, would be said to have been smuggled.

Mr. HENLEY withdrew his Amendment.

Question, "That the word 'now' stand part of the Question," put, and *agreed to;* Bill read 3°; Two Clauses *added;* Amendments made; Bill *passed*, with Amendments.

PATENT LAW AMENDMENT BILL.

Order for Committee read.

House in Committee.

Clause 18.

Mr. W. WILLIAMS said, it had been alleged that great disappointment would be felt if this Act were not passed; but though not opposed to the amendment of the Patent Law, he thought a Bill of so great importance ought not to be forced through the House at so late a period of the Session. The property in the Crystal Palace was sufficiently protected already; but if he were assured that no portion of the public money would be required to carry the Bill into execution, he should not be disposed to persist in his opposition.

Mr. LABOUCHERE begged to remind the hon. Member that the protection granted to the exhibitors at the Great Exhibition lasted only one year; but it was not on their account only that the Government thought it desirable that this Bill should pass into a law. He (Mr. Labouchere) pressed this Bill on behalf of the great body of inventors in this country, and on behalf of the public, who were interested in the carrying it into practical effect; for the object of the Bill was to substitute a simple system of obtaining patents for the complicated one which now existed. He greatly regretted that the Committee had been called upon to consider a Bill of that importance at that advanced period of the Session; but it was not his fault that it had not come earlier before them. He might remind the Committee at the same time that the Bill had been sent down late from the House of Lords, where an able Committee sat upon it, and gave to the measure as much consideration as had ever been bestowed upon any other that had come before Parliament. He might also state that the Bill was substantially the same as that which came from the other House of Parliament.

Mr. BROTHERTON took that occasion to say he regarded the Bill as an immense improvement on the existing law, under which many poor men had been deprived of all interest in the discoveries and inventions which they had given to the world, in consequence of not having at their disposal the means of procuring a patent. His constituents would greatly regret if the Bill were not passed.

Mr. J. GREENE thought a Bill which had been introduced into the other House of Parliament at the eleventh hour, ought to be considered with very great care by the popular branch of the Legislature. He felt it his duty to offer all the opposition in his power to the present Bill, though he admitted in some respects it was an improvement on the existing law. The most objectionable part of the Bill, to his mind, was the vesting in the Examiner a power of disclosing to others, possibly without intention, the secrets of an invention, which would do away with its value to the person seeking to make it the subject of a patent.

In reply to a question from Mr. Henley,

The ATTORNEY GENERAL said, the existing law, as applicable to patents in the Colonies, was to remain as at present, leaving the question of altering it, as regarded the Colonies, to be discussed on a future occasion. He proposed to insert words into the present Bill which would still enable the Crown to grant patents in the Colonies.

In answer to Mr. J. Bell,

The ATTORNEY GENERAL said, the owner of a patent which under the existing law applied only to England, would be empowered by the present Bill to extend it to another part of the United Kingdom on payment of one-third of the fees.

Mr. J. L. RICARDO asked if he was to understand that an inventor taking out a patent for one of the three parts of the United Kingdom would only have to pay one-third of the fees enumerated in the schedule to the Bill?

The ATTORNEY GENERAL said, the provision respecting the payment of one-third of the fees only related to patents already in existence, which it might be wished to extend to any other of the three parts of the United Kingdom to which the patent at present did not apply.

Mr. J. L. RICARDO said, he found that, so far from the Bill having a tendency to cheapen patents, it would greatly add to the expense attendant on their procurement. In 1846, there were 494 patents granted for England, at a cost of 93*l.* each; 178 were granted for Scotland, at a cost of 63*l.* each; and 90 were granted for Ireland, at a cost of 119*l.* each. He found that the cost of taking out a patent under the present Bill, which patent would extend to the whole of the United Kingdom, would be 175*l.* The aggregate cost of the 762 patents taken out for England, Scotland, and Ireland, in 1846, was 67,866*l.*; whilst, if they had been taken out under the present Bill, their aggregate cost would have been 133,350*l.* He wanted to know from the Attorney General if the Bill provided any means by which the evil of patents costing more under it than under the existing law, could be avoided? In other words, whether, under the Bill, a person might take out a patent for only one of the three parts, instead of the whole, of the United Kingdom?

The ATTORNEY GENERAL said, there was a fallacy in the reasoning of the hon. Gentleman (Mr. Ricardo). The hon. Gentleman assumed that every patent for which an application might be made, would proceed to its last stage, and that the applicant would be called upon to pay the three sums chargeable at the three different stages of the patent. But experience had shown it was not fair in the hon. Gentleman to assume that every patent applied for under this Bill would proceed to its last stage; for, of the patents which were now annually taken out, a very large proportion indeed—he (the Attorney General) believed he might safely say nine-tenths—ended in nothing, and produced no benefit either to the public or to the parties taking out the patents. By the law, as it stood at present, a man seeking to obtain a patent was obliged to pay the whole charge of procuring the patent at once, before he had an opportunity afforded him of putting his invention to the test of experience. But the Bill before the Committee proceeded on this principle, that, although there would be the same number of patents taken out for the first stage of three years as at present, yet, by the expiration of that term, the number of patents would be so weeded of all those which were not likely to produce benefit to the public or to the parties, that a comparatively small proportion would proceed to their final stage. Few of the original number would be renewed at the end of the first three years, and fewer still at the end of the first seven years. The Government had thought, on that view of the case, that it would be desirable to charge only a comparatively small sum for the granting of a patent in the first instance, in order that if the patentee, after a trial of three years, found his invention not likely to be advantageous to himself or the public, he might be at liberty to abandon it, and to do that without being subject to the serious expense to which he was at present liable.

Mr. HENLEY said, the Attorney General had assumed that nine-tenths of the patents taken out would prove worthless. If that were so, the remaining one-tenth would be in a worse position under the new than the old law, because the patentees would pay a higher price for their patents (being obliged to extend them to the three parts of the United Kingdom) than they had paid for extending them to England alone under the old law. When the Committee came to consider the compensation clause, the division of nine-tenths which had been assumed by the Attorney General would lead to some considerable discussion. He (Mr. Henley) would take the liberty of asking what prospect there was of this Bill becoming law? It was understood that Parliament was to be prorogued on Friday. Supposing the Bill passed through Committee that day, it might be read a third time to-morrow, and, as amended, it would have to be sent up to the Lords on the next day, who would have to consider fifty-four clauses, thirty of which had originated or been recast in the Lower House. Was it worth while, he would ask, to take up the time of the Committee with this Bill under those circumstances?

Mr. LABOUCHERE would repeat that he attached great importance to this Bill, and had done all in his power to induce the House to proceed with it. He was not ignorant, however, that it was in the power of even a very few Members, who were determined to obstruct the passing of a Bill, to do so by getting up repeated discussions, and going over again and again the same arguments. He could only appeal in such a case to what he was satisfied was the public feeling out of doors, and to the fact that a large majority in that House were exceedingly desirous to see the Bill pass; while at the same time, he had no right to complain of Gentlemen following the line of conduct which they thought in accordance with their duty. The Bill had received, in the other House, the most attentive consideration; and he firmly believed that there was a general concurrence in its favour. With regard to the other House, it would be for them to consider whether or not they would consent to the Amendments which had been made; but, knowing that a vast majority of the other House attached great importance to the measure passing during the present Session, and as the Amendments did not alter materially the provisions of the Bill as originally introduced, he believed they would have no great difficulty in agreeing to the adoption of those Amendments. The Government had done their duty in pressing forward the measure, and it would not be their fault if it did not pass during the present Session.

Sir JAMES GRAHAM said, his right hon. Friend appeared to be satisfied that the Government had done its duty; but that was no reason why Members of that House should neglect theirs. The right hon. Gentleman had assumed a tone which would lead hon. Members to believe that he conceived there was an unfair desire on the part of the Committee to obstruct the passing of the Bill. He (Sir J. Graham) was not aware that anything like unfair obstruction or vexatious opposition had hitherto been shown to this Bill. He thought it the duty of hon. Members in that House to canvass the details of this Bill, quite as much as it was the duty of the Executive to push it; and he was not aware that hon. Members would discharge their duty if they were to take this Bill wholesale, without discussion and without investigation, considering the great importance of the subject they had then under their deliberation. He, for one, would not be a party to any vexatious opposition to the Bill; but he could not understand that hon. Members would discharge their duty by refraining from making such observations or objections as occurred to them during the progress of this Bill. The Bill could only pass through Committee that day; it must be reported to-morrow with large Amendments, and it could not be read a third time before Friday. The House of Lords must consider the Commons' Amendments, and the Commons must have a conference with them, unless the Lords approved of those Amendments without a conference with the Commons. The right hon. Gentleman said, this Bill had been most carefully considered elsewhere. What became of that very careful consideration when hon. Members were now talking of recasting the measure? The Bill, as introduced by Her Majesty's Government, was altered in the other House of Parliament as regarded the Colonies. The clause they were then debating was introduced omitting the Colonies; a disposition had been manifested by that House to deal with that point, and then after a quarter of an hour's discussion, the Government told the Committee that the Colonies were nothing compared with the great urgency of passing this Bill. Then came the extraordinary announcement on the part of the Attorney General, that nine-tenths of all the patents hitherto granted were utterly useless to the public and to the parties by whom they were obtained; and yet the Committee was then asked to make provision for the continuance of a system which had been so represented. That was no answer to the statement of the hon. Member for Stoke-upon-Trent (Mr. J. L. Ricardo) as to the remaining one-tenth. It was presumed that only that one-tenth of the patents which might be granted would be carried through all their stages. If that were so, that one-tenth would be rendered more expensive, so far as this Bill was concerned, than at present. That, he (Sir J. Graham) said, was an irresistible argument. The argument was only persuasive on the part of the Attorney General, as applied to the nine-tenths of the whole which the hon. and learned Gentleman said would be useless. Hon. Members were not to be mere mutes as respected this Bill; they must discuss the Bill. If they were not to discuss the Bill, it had better be left in the possession of the Government, to be dealt with as they pleased.

Mr. LABOUCHERE said, the right hon. Gentleman had told them they were not to be mutes on the occasion of passing so important a Bill; considering, however, that they had discussed the Bill at two consecutive sittings in Committee, he thought Gentlemen opposite could hardly be regarded as mutes, unless it was in the sense understood in Eastern countries, where mutes were employed to strangle. The last time they discussed the measure, that right hon. Gentleman (Sir J. Graham) urged upon the Government whether it would not be well to leave out the Colonies — doing so, as he believed, not in an obstructive, but in a friendly spirit, on the ground that it was part of the measure which was to simplify the patent law of this country. In the simplicity of his heart, he (Mr. Labouchere) adopted his advice—hoping that he would have the support of the right hon. Gentleman; but now the right hon. Gentleman fiercely attacked him for having left out the Colonies, and made it a charge against the Government. He had nothing more to say upon the point, and he hoped the Committee would proceed at once to consider the clause.

Sir De LACY EVANS asked if there did not appear to be something like a factious opposition to this measure? It was important that the public should know why this Bill was stopped in its progress, two or three divisions having already taken place upon it. He very much deplored the course taken by the right hon. Baronet (Sir J. Graham), and he thought the right hon. Gentleman should tell them distinctly whether he was opposed to the Bill or not. If the Bill was lost, the responsibility would be upon the right hon. Gentleman.

Sir JAMES GRAHAM said, he would not shrink from demanding on behalf of the public an ample discussion of the whole details of this Bill; and with regard to the frankness with which he had expressed his opinion, in consequence of the speech of the right hon. Gentleman opposite (Mr. Labouchere), he (Sir J. Graham) did not address the observations which he had done to the Committee, until the right hon. Gentleman had, in very distinct terms, charged him with offering a vexatious opposition to this Bill. He (Sir J. Graham) altogether denied that charge. With regard to the question of the omission of the Colonies, the right hon. Gentleman (Mr. Labouchere) said, he (Sir J. Graham) had expressed himself adverse to the inclusion of the Colonies, and that he had desired that they should be omitted; but that now he was desirous that the Colonies should be reinserted in the Bill. He had not expressed any such opinion. He was disposed to believe that it was wholly inexpedient, when the Government had declared that it was not their intention to change the statute law of the Colonies in regard to patents. In the Crown colonies, the Secretary for the Colonies would still exercise his discretion in directing the law officers to grant patents; and the Committee knew that the noble Lord was against extending the law of patents; and in the representative colonies they must proceed by legislation, and they could not pass any statute with reference to patents which the Secretary of State had not the power of suspending. Of course, the Secretary of State would be uniform in his opinion, and would exercise that power of suspending the extension of the law of patents to those representative colonies. He (Sir J. Graham) was asked, if he was favourable to the patent law as it now existed? That question had never been debated. It was not debated on the second reading of the Bill; and he repeated the observation he made before—that they were in an extraordinary position as respected the manufactures and the commerce of this country. If they were to take the Government as their guide, they had the President of the Board of Trade pressing this Bill forward in the House of Commons; and they had the Vice-President of the Board of Trade in the other House declaring that he was altogether opposed to the principle of the law of patents. Then they had the Secretary for the Colonies declaring against the extension of patents by the law officers of the Crown to the Colonies; and the Attorney General agreeing with the right hon. Gentleman the President of the Board of Trade in charging hon. Members with offering a vexatious opposition to this Bill. He (Sir J. Graham) said, if they looked to the principle of the Bill, so far from there being anything like united counsel on the part of Her Majesty's Government with regard to the great question of principle, it was quite clear there was a palpable division of opinion; and, while that opinion was so divided, he did not think it was at all unfair on the part of independent Members to ask, either directly or indirectly, that the principle of patents should not be altered at so late a period of the Session.

The ATTORNEY GENERAL begged to say, with regard to the noble Lord the Vice-President of the Board of Trade, that while the right hon. Gentleman had represented him as opposed to the principle of the law of patents, he forgot to state that the present Bill was introduced to the other House by that noble Lord, and that he took care at the time he introduced the Bill to say, that though he did entertain views opposed to the principle of a patent law, he was conscious that he was in a minority upon the question, and that the country was not prepared to adopt the views which he held. The whole of the hon. Members in that House who had taken any part in that discussion had affirmed the principle that patents should continue. Then, if it was advisable to continue patents, the present state of the law being defective, it was necessary to change that law. The right hon. Member for Ripon, and the hon. Member for Stoke-upon-Trent (Mr. J. L. Ricardo), said, the present Bill would have a tendency to make patents more costly than under the old system, inasmuch as a man would now be obliged to take out a patent, for the three parts of the United Kingdom. But the difference was this—the patents which at present were not taken out for Scotland or Ireland were those of a less valuable character. The really good patents were those which were taken out for the whole of the United Kingdom. Then a patent, instead of costing, as it did at present, above 300*l.*, would cost only 175*l.* Again, the inferior patents would not only extend to the whole United Kingdom instead of a part of it, but they would be had at a cost of 25*l.* for the first three years for the whole United Kingdom, instead of 96*l.* for one single division of it, as at present. He could not but think, therefore, that in point of economy there would be a great advantage to all classes of patentees. With reference to the charge of vexatious opposition to the Bill, the right hon. Gentleman the Member for Ripon had entirely misconceived what fell from his right hon. Friend (Mr. Labouchere). His right hon. Friend had merely called the attention of the Committee to this circumstance, that if they persisted in going again and again into clauses which had been already discussed on a former occasion, the consequence would be the loss of the measure for the present Session. The Bill only aimed at a simplification of the process by which patents were obtained; and as respected the questions whether patents should be extended to the Colonies, and whether the publication of a patent abroad would vitiate a patent taken out in this country, as these were matters not necessarily involved in the more immediate objects and advantages of this Bill, the Government had relinquished them; but they sought to achieve that which was the object of every one, namely, the cheapening of the process by which a patent might be obtained. He could not but think that was an object in achieving which the right hon. Baronet the Member for Ripon might have lent the Government his assistance.

Mr. J. GREENE did not see how legislation at the eleventh hour of the Session was likely to remedy the serious inconveniences alleged to attach to the existing law relating to patents. He had given the existing law a very deep consideration, and although he had never taken out a patent himself, he was connected with persons who had, and he was prepared to state, that though there were some evils incident to the present law, it was infinitely less objectionable than the proposed one.

Mr. ROCHE said, he entirely agreed with the noble Lord the Vice-President of the Board of Trade, that the patent laws should be abolished altogether. They might depend upon it that nine-tenths of the patent inventions under any law that could be passed, would be nothing less than so many stumbling-blocks in the way of improvement. The best thing the Government could do would be to withdraw the Bill altogether. They evidently were not agreed on the subject of patents. For himself he could say, that while he perfectly concurred with the Vice-President of the Board of Trade on the subject, he was entirely at variance with the right hon. Gentleman the President of the Board of Trade.

Viscount PALMERSTON said, he certainly thought it a most disorderly proceeding, that when they were considering the 18th clause of a Bill in Committee, they should be called upon to discuss a general question involving the principle of the Bill. On that point the House, he hoped, would allow him to say a few words. His hon. Friend who had just spoken was of opinion, as his words would import, that the law of patents ought to be abolished; and the conclusion his hon. Friend therefore drew was, that they ought to withdraw the Bill. If the rejection of the Bill would have the effect of abolishing the patent law, he could understand that argument; but if the only effect would be to leave the law as it was without the improvement which the present Bill was intended to make, he could not comprehend it. He appealed to the House whether they would not be acting more in accordance with order by going on with the discussion of the clauses of the Bill; and if it should appear that that discussion would occupy more time than the Session would afford, then the Bill must of course be postponed; but he certainly was of opinion that if they would at once proceed with the consideration of the clauses, the Bill still might pass this Session.

After some discussion on the opposition offered to the present progress of the Bill,

Clause, as amended, *agreed to;* as were also Clauses 19 to 23 inclusive.

Clause 24, with amendments, agreed to. Clause 25 struck out. Clauses 26 to 48 agreed to.

Clause 49, providing for compensation to present officers out of the Consolidated Fund.

Sir JAMES GRAHAM asked if the Government could form any estimate of the number of persons who would claim compensation under the clause, and of the amount of that compensation? There had been a most formidable return made to the House relative to the expense of patents, from which it appeared there were four offices—the Home Office, the Signet Office, the Great Seal Patent Office, and the Office of the Lord Chancellor. He would read to the House a few of the persons in those offices who received fees. In the Signet Office there was the first clerk and his deputy, the second clerk and his deputy, the third clerk and his deputy. In the Great Seal Patent Office, there was the patent clerk, the clerk of the haniper, the deputy clerk of the haniper, deputy-seals, and his (Sir J. Graham's) intimate friend, chaffwax, who had since disappeared. In the Lord Chancellor's Office, there was the sealer, the gentleman of the chamber, and the great seal clerk. These officers all received fees, and he believed it was contemplated to give them compensation. He wished to know whether the Government had formed any estimate of the gross amount of compensation which would be given, and whether they were prepared to state the number of persons who would have claims for compensation? Really, this was a matter of the gravest importance. The compensation to the Six Clerks in Chancery (for which he took great blame to himself) arose very much in this way. He might entertain a wrong opinion, but he entertained a very strong opinion, that the days of the patent law in this country were numbered. He did not think the law of patent would be long maintained, and assuming, for the sake of argument, that he was right, there would then be a statutable recognition of the claims of all these recipients of fees for compensation, not out of the fund from whence they drew their incomes, but out of the public purse. The patent law might be repealed, and they might have a recent statutable claim for compensation in perpetuity. He had erred in this particular in the case of the Six Clerks in Chancery, and he was anxious that the error should not be repeated. The offices which were about to be abolished only received fees from the voluntary will of the people, and could have no claim against the public purse. They had not had a very amicable discussion this morning, but he did throw out this suggestion in an amicable spirit for the consideration of the Government.

The ATTORNEY GENERAL begged the House to listen to the figures, which had been calculated on very good authority. The total cost of an English patent was 94*l.* 6*s.*, divided into two parts, that of public payments and private payments. The private proportion of the gross amount was 22*l.* 14*s.* 4*d.*, of which 9*l.* went to the law officers, and might, therefore, be thrown out of consideration. Even then, he was told, they would be able to absorb at least one-half of that reduced amount by taking into the service of the present Commission some of the old officers, and of course they would not give compensation to any officers who were still made available. The officers in the Home Office discharged other duties, and were paid by salary, and, of course, being paid by salary, they would continue to receive their salaries, and would have no claim for compensation. Very few of the present officers had the fees; they might take them, but they were carried to the public account in all cases in which the officers received salaries. In the Secretary of State's, in the Signet, and in the Great

Seal Patent Offices, the officers generally, having other duties to perform, were paid by salary, and would therefore receive no compensation. He really believed, taking away those who were paid already by salary, those who were otherwise employed and were paid by salary, and those who would be employed under the new system, a very small amount of compensation would be necessary.

SIR JAMES GRAHAM wished to know how many would have claims for compensation, and what was the estimated amount of that compensation? He still thought that the Attorney General had not noticed the observation he had made, that if they adopted this clause they would place these persons in a new position, giving them a claim on the public purse, and not on the fees received. Now, they derived their incomes from patents taken up voluntarily, and had no collateral claim whatever on the public purse. For the first time it was proposed they should have a claim on the Consolidated Fund, and being the first time, he thought the claim ought to be viewed with jealousy and caution.

MR. CORNEWALL LEWIS said, the only persons who would be entitled to compensation would be the clerks in the Signet Office, who were paid fees on their own account. It was impossible to state precisely, but the House might reckon with great confidence there would not be a very large amount of compensation.

MR. W. WILLIAMS thought a more distinct answer ought to be given by the Government to the question of the right hon. Baronet.

SIR JAMES GRAHAM said, that to show he did not wish to impede the progress of the measure, if the suggestion he had made was worthy of consideration, the clause might be agreed to, the Bill might be reported to-morrow, and the alteration might be included by arrangement on the report. He admitted that the amount of fees, particularly whilst the law was in a state of change, must be uncertain; but he could see no injustice in placing the compensation for fees received at the will of the public upon the fee-fund arising from patents hereafter to be granted. That fund might be kept distinct, and whatever the Treasury might award as compensation to the present officers, might be made receivable from it. He thought that would be a strictly equitable arrangement. The charge on the public purse would be avoided, and compensation would be dependent on the fees henceforth received, just as the income now derived by the persons claiming compensation was dependent on the amount of fees received. It would be quite possible to keep the fee fund distinct, and he wished the House to take till to-morrow to consider the suggestion he had made.

Mr. LABOUCHERE was much obliged to the right hon. Baronet, and his suggestion should be considered on the Report.

Mr. VERNON SMITH wished the Government to state the maximum amount of compensation that could be required.

The ATTORNEY GENERAL saw some difficulty in making an exception to the general system of bringing all the fees into the Consolidated Fund. It might be provided that compensation should be paid out of the Consolidated Fund, not exceeding the amount of fees payable in respect of patents.

Sir JAMES GRAHAM would rather not raise a charge on the Consolidated Fund. That was the very thing he wished to provide against. The Attorney General had told the House that many of the officers were paid by salary, or would be made available under the new Commission, in both of which cases they would not be entitled to compensation. He went on to say that the amount of compensation would be small. If then the surplus amount of fees, after paying the expenses of the Commission, would be small, those having claims would not be numerous. . He (Sir J. Graham) saw no difficulty in having all the fees received for patents kept in a distinct fund, to be chargeable with all the expenses of the new machinery; and, if there was sufficient, to be available for compensation; if there was not sufficient, then the whole surplus might be applied as far as it would go. That would be an equitable arrangement, and would steer clear of the evil which he foresaw, and was anxious to avoid, of constituting, in the shape of compensation (a claim which, to say the least, was very doubtful), a perpetual charge on the Consolidated Fund.

Mr. LABOUCHERE observed that the hon. Baronet had set out by asking the Government to give time to the consideration of this suggestion. He could assure the hon. Baronet it would be fairly considered. The Attorney General would consult with the Treasury how far it was possible to meet the wishes of the right hon. Baronet.

The ATTORNEY GENERAL said, the amount of private payments for patents was very small.

Sir JAMES GRAHAM had quoted from a return made in the year 1849, giving the greatest possible detail on the subject of fees for patents. Unless there had been some change since 1849 in the Signet, the Great Seal Patent, and the Lord Chancellor's Offices, fees were paid to a great number of officers. If his suggestions should be worth the consideration of the Government at all, it would be necessary to revise the 44th clause, which they had already passed, and which provided for the payment of all fees into the Consolidated Fund.

Mr. LABOUCHERE thought the officers would have some equitable claim for compensation, even if there was no surplus from fees after paying the expenses of the new machinery, because there being no surplus would be owing to the fees having been abolished for the benefit of the public.

Sir JAMES GRAHAM said, that raised the difficulty which he wished to avoid. He did not wish to argue the question of contingent injury consequent upon a diminished amount of fees. It was precisely that view of a contingent equitable claim on the public purse which had given rise to a great variety of compensations of a most unjust and most inexpedient character. This was not the time, however, to argue the question.

Clause *agreed to.*

Remaining clauses *agreed to;* Schedule *agreed to.*

The House resumed. Committee report progress.

ADMINISTRATION OF CRIMINAL JUSTICE IMPROVEMENT BILL—MESSAGE FROM THE LORDS.

"That they have agreed to certain of the Amendments made by this House to the Administration of Criminal Justice Improvement Bill, without Amendment; and agree to one of the Amendments with an Amendment, and disagree to others of the Amendments; for which disagreements they assign Reasons."

Lords Reasons for disagreeing to Amendments *considered:*—House agree to the Amendment made by their Lordships to the Amendments made by this House; and do not insist on the Amendments to which their Lordships have disagreed.

LAW OF EVIDENCE AMENDMENT BILL—MESSAGE FROM THE LORDS.

"That they have agreed to certain of the Amendments made by this House to the Law of Evidence Amendment Bill without Amendment, and agree to one of the Amendments with Amendments, and disagree to another of the Amendments; for which disagreement they assign Reasons."

Lords Reasons for disagreeing to Amendments *considered*:—House agree to the Amendments made by their Lordships to the Amendments made by this House; and do not insist on the Amendment to which their Lordships have disagreed.

ATTENDANCE OF MEMBERS IN THE HOUSE OF PEERS.

LORD JOHN RUSSELL brought up the following Report of the Select Committee appointed to settle the order in which Members of the House of Commons should accompany the Speaker in all cases where Her Majesty commanded the attendance of that House at the House of Peers:—

"The Select Committee appointed to settle the order in which Members shall accompany Mr. Speaker on all occasions when Her Majesty shall command the House to attend Her Majesty in the House of Peers have considered the matter to them referred, and have come to the following Resolutions, which they have agreed to Report to the House:—'Resolved, That it is the opinion of this Committee, that, in order to insure regularity in the order of proceeding from this House to the House of Lords, on occasions of opening or proroguing Parliament, every Member desirous of attending Mr. Speaker do communicate his intention in writing to the clerk of the House, in case the House be not sitting, before the hour of five in the afternoon of the day preceding, and, if the House be sitting, between the hour of three in the afternoon and the rising of the House on the day preceding. That, on the House being summoned to attend Her Majesty, the Cabinet Ministers present do immediately follow the Speaker. That, on the day of meeting or prorogation, before any other business be entered upon, the names of the Members so sent to the clerk be put into a glass, and arranged according to the order in which they shall be drawn forth therefrom. When the House is summoned to attend Her Majesty, the Members now so arranged shall be called over by the clerk, and the Members shall proceed in such order to the House of Lords, in ranks of four. That, after the House has been summoned to attend Her Majesty, no Member of this House do remain in, or cross, or pass through, any of the lobbies or passages leading from the door of this House to the door of the House of Lords, and the Serjeant-at-Arms attending this House do keep the said passages clear of Members.'"

LORD JOHN RUSSELL moved, that the Report be printed, and said that to-morrow he should move that the House agree to the Report of the Committee. It was very desirable, in order to prevent the confusion and scramble that was so frequently witnessed upon such occasions, that some order should be agreed to. The Committee considered this the best mode they could adopt: but hereafter, if they found any inconvenience to result from it, there would be an opportunity of making any alterations that should be thought necessary.

MR. VERNON SMITH said, that although it was desirable to prevent the scramble which sometimes took place on proceeding from the House of Commons to the House of Lords, it should be borne in mind that what was now recommended was an innovation on former practice. He begged also to observe that, according to the plan now recommended, Members arriving in town on the day preceding the opening or proroguing Parliament, would not have an opportunity of putting down their names for the ballot next day. It was also quite new that Cabinet Ministers should take precedence of all other Members of the House. He had always understood that the words "Cabinet Minister" were a conventional term utterly unknown to the constitution or the House. The distinction of Privy Councillor was known to the constitution, but not that of Cabinet Minister. If his recollection served him right, when he attended the coronation of William IV. he walked side by side with Lord Althorp, who was then Chancellor of the Exchequer, and leader of the House of Commons. They took their places there merely as representatives of the people, and without any other official distinction whatever.

MR. M. J. O'CONNELL wished to know how a Member who arrived in town on the day of the opening or proroguing Parliament, could not get his name placed on the list of those who desired to accompany the Speaker?

LORD JOHN RUSSELL said, that the distinction of Cabinet Minister was sufficiently well known to warrant the suggestion of the Committee on that point. With respect to the usage of the coronation, it had been considered by the Committee; but there was an obvious distinction between the occasions now referred to, and the occasion of a coronation, because at the coronation it was not necessary for Members to go in any particular order, there being seats for all when they arrived at their destination; but it was different in the case of going to the House of Lords, where it was impossible to find room for all the Members. With respect to the case of Members who were out of town, but who wished to attend the Speaker, there need be no difficulty, because they could write to the clerk to that effect.

Report *brought up*, and read; to be taken into consideration *To-morrow.*

The House adjourned at a quarter before Six o'clock.

HOUSE OF LORDS,

Thursday, August 7, 1851.

Minutes.] Public Bills—3ª General Board of Health (No. 3); Coal Duties (London and Westminster and adjacent Counties); Consolidated Fund (Appropriation).

Royal Assent.—Medical Charities (Ireland); Grand Jury Cess (Ireland); Representative Peers for Scotland; Gunpowder Stores (Liverpool) Exemption Repeal; Churches and Chapels (Ireland); Ecclesiastical Residences (Ireland); United Church of England and Ireland; Ecclesiastical Property Valuation (Ireland); Inverness Bridge (No. 2); Sheep, &c. Contagious Disorders Prevention; Customs; Commissioners of Railways Act Repeal; Steam Navigation; Canada and New Brunswick Boundary; Metropolitan Sewers; Church Building Acts Amendment; General Board of Health (No. 2); New Forest Deer Removal, &c.; Court of Chancery and Judicial Committee; Duchy of Lancaster (High Peak Mining Customs and Mineral Courts); Attornies and Solicitors Regulation Act Amendment; Canterbury Association; Coalwhippers (Port of London); Metropolitan Interment; Emigration Advances (Distressed Districts, Scotland); New Zealand Settlements; Constabulary Force (Ireland); Mercantile Marine Act Amendment; General Board of Health (No. 2a); Battersea Park Amendment and Extension; Crown Estate Paving; Lunatics (India); Appointment to Offices, &c.; Collection of Fines, &c. (Ireland); Summary Jurisdiction (Ireland); Petty Sessions (Ireland); Lands Clauses Consolidation (Ireland); Law of Evidence Amendment; Administration of Criminal Justice Improvement.

PROTESTANT WORSHIP IN ROME.

The Earl of HARROWBY: Having seen recently in the public papers a strong desire expressed on the part of many of Her Majesty's Protestant subjects in this country, and more particularly on the part of the Protestant British inhabitants resident within the walls of the city of Rome, for the erection of a place of public worship within the walls of that capital, I am induced to address a question on that subject to the members of Her Majesty's Government. Hitherto the Church of Rome has refused to grant to the Protestant subjects of Her Majesty permission to erect such a building; but, under existing circumstances, when the Church of Rome is making large claims on the tolerance of this country, and indeed of all other Protestant countries, perhaps the opportunity is not ill chosen to apply again to the Court of Rome for that permission which has hitherto been systematically and pertinaciously refused. Your Lordships are, perhaps, aware of the encouragement which has hitherto been held out by Her Majesty's Government to all our chaplaincies in foreign countries, within which Protestant churches have been established. Without asking the Government for that assistance which has never been refused elsewhere, the parties to whom I have just alluded are anxious to know whether Her Majesty's Ministers will use their best offices with the Court of Rome to obtain from it permission to erect a suitable Protestant Church within the walls of the city of Rome for the worship of the Protestant Church of England?

The Marquess of LANSDOWNE was understood to say, that, in consequence of the notice which he had received privately from his noble Friend on this subject, he had made some inquiries regarding it at the Foreign Office. He found that no application had yet been made to the Court of Rome for the erection of a Protestant place of worship within the walls of Rome. It was true that a Protestant place of worship had been erected for British subjects outside the walls of the city of Rome, and that it was adequate for the number of persons who attended Divine service within it. He was confident that when any just complaint should be made on the subject by the British inhabitants of Rome to his noble Friend the Secretary of State for the Foreign Department, his noble Friend would not be slow in making application for its redress. Any application at present for the erection of a permanent building for the celebration of the Protestant service of the Established Church, would not, he was afraid, be attended with success. Indeed, it was an established maxim of the Court of Rome to have one degree of toleration at Rome, and another for itself in all other countries.

The Earl of HARROWBY: The question, my Lords, is not, whether there is any want of accommodation for the worship of our Protestant countrymen at Rome, but whether we, as Protestants, are to enjoy the same liberty at Rome as the Roman Catholics, natives and foreigners, enjoy here? The accommodation which we have at Rome for Divine worship is that of a common granary without the walls; and that is not a fit and decent place for Divine worship. As to anything of ecclesiastical splendour, that has hitherto been entirely wanting; and the question really is, whether the Church of Rome will, or will not, permit British Protestants to have some building erected at their own cost, appropriated to their own worship, within the walls of Rome, just as the Roman Catholics of every country have their own places of worship in almost every town in this country. He hoped that the noble Secretary for the Foreign Department would soon be called on to exercise his authority, and to make application to the Court of Rome for this permission, in order that the sincerity of its professions respecting toleration might be put to the test without any disguise.

The MARQUESS of LANSDOWNE was understood to say, that if the noble Earl asked him, whether he thought that the Church of Rome would admit English Protestants to the same degree of religious liberty in Rome as English and foreign Roman Catholics enjoyed in England, his answer must be, "I am afraid not."

The BISHOP of LONDON: My Lords, I entirely concur in the concluding observation of the noble Marquess, that little success can be hoped for in case any application is made by us for permission to erect a Protestant chapel either in the city or in any part of the dominions of the Bishop of Rome. The noble Marquess has well remarked, that, whether we look at the past history of the Court of Rome, or to the events which are still occurring there, it is evident that there are two points of view in which toleration is viewed by the Court and Church of Rome, namely, the toleration which is to be withholden from others, and the toleration which is to be claimed and enjoyed by themselves. It is true that there is a granary at Rome used as a Protestant chapel by our countrymen; and that it is large enough for those who usually attend it; but our countrymen are accustomed to pay their devotions in buildings where the external and internal decorations are proportional to the important sacred objects to which they are applied. They are, therefore, not content to worship except in a building which has something like the appearance of a temple. In this country Roman Catholics can already obtain with ease room and space to worship God in the form which is most agreeable to their own consciences; but they are not content with that; on the contrary, although they know that they have already far more than sufficient room in their places of worship, they have put forth, under the auspices of the Bishop of Rome himself, a proposal for building a magnificent cathedral to St. Peter in this city, where the metropolitan cathedral is dedicated to St. Paul. They are anxious, too, to have it erected in great splendour. Surely, then, they cannot blame us if we are seeking to accomplish a similar object in Rome. As to the difficulties thrown in the way of Englishmen desirous of worshipping God at Rome in that splendour which suits at once their ritual and their habits, I have only to say, that a large sum of money has been obtained within the last few weeks, not by indulgences—for we must not shut our eyes to the fact, that the Church of Rome has again had recourse to the practice which originally caused the Reformation, I mean the granting of indulgences to those who shall subscribe their money to the building of this new cathedral, or, in other words, the sale of indulgences—for the erection of a Protestant church or chapel in Rome, without an appeal to any other argument than the attachment and love of British Protestants to the Church of England, its ordinances, and its ritual. Having seen the extraordinary document which has recently been promulgated by the Bishop of Rome calling upon all the faithful to subscribe to the erection of a Popish cathedral in London, to be governed by the Ordinary of London, his Eminence Cardinal Wiseman, I should have deemed myself guilty of an unpardonable dereliction of duty if I had remained entirely silent during this discussion.

The EARL of HARROWBY: I wish to know whether Her Majesty's Government has any objections to lay on the table the correspondence which took place in the years 1839 and 1840 between our Minister and the authorities, lay and ecclesiastical, at Naples respecting the application of certain British subjects to build a chapel there for Protestant worship? If I recollect the circumstances aright, application was made by the British consul, on behalf of the British residents at Naples, to have a Protestant chapel erected in that city. If I recollect rightly, the British Minister was unwilling to interfere. Land, however, was purchased, and the works were begun. The Archbishop of Naples was informed of it, and immediately interposed his prohibition. Ultimately the contract was obliged to be cancelled, the ground was abandoned, and the English Protestants were driven back to worship in the drawing-room of the consul, where, I believe, they still continue to worship. We ought not to shut our eyes to the tendency of acts like these, especially when the Church of Rome is omnipotent in its own temporal dominions, and is aiming to extend its spiritual domination over every region of the Continent. We have been told that a great reaction has taken place, and that the Pope is omnipotent in Continental Europe. If we deemed it necessary to complain of his proceedings in 1839 and in 1840, have we not increased cause to complain of them now? The noble Earl concluded by repeating his question.

The Marquess of LANSDOWNE said, that inquiry should be made into the subject.

PATENT LAW AMENDMENT (No. 2) BILL.

The Amendments made by the Commons to the Bill *considered.*

The Earl of MINTO moved, that their Lordships do agree to the Amendments. He allowed that many alterations had been made in the Bill, and there were large omissions from it, which he, for one, very much regretted. At this period of the Session it did seem almost too much to ask their Lordships to assent to these alterations; but as the Bill was of much importance, and affected the interests of a large and industrious body of men, he hoped their Lordships might be induced to overlook the difficulty which had been occasioned by the lateness of the period at which it was remitted to them.

Lord MONTEAGLE observed, that their Lordships had no means of judging whether the Amendments were right or wrong, for they were not even printed; and if their Lordships agreed to consider them now, they would establish a principle which was capable of unbounded application. This Bill, after having been maturely considered by a Committee of their Lordships' House which sat for sixteen days, and examined no less than thirty witnesses, was sent to the House of Commons a month ago. This day the Bill had been reported and read a third time in the House of Commons; so that the House of Commons itself could hardly know what it had done, and their Lordships must be nearly in the same state of ignorance. He was aware, however, that certain alterations had been made, which were very material; for instance, the alteration with respect to the colonies, and the alteration with respect to the law of *user*, were very material. Under these circumstances, a postponement was a matter of course; and if the alterations made by the Commons had the effect of restoring the existing law, the inconvenience of the postponement would be less felt. The Bill made an alteration in the very office of the Lord Chancellor himself; and he doubted whether the noble Lord had been consulted on the subject. [The Lord Chancellor: I have not.] That disposed of the whole question. Here was a Bill which made an alteration in the office of the Lord Chancellor, and the Lord Chancellor himself was good enough to tell their Lordships—what he (Lord Monteagle) had fully anticipated—that he knew nothing about it. It must be recollected that they had passed a Bill during this Session to extend a certain degree of protection to persons who had exhibited their inventions in the Crystal Palace; and less inconvenience would consequently follow the postponement of the present measure. But whatever inconvenience might be felt, their Lordships were not responsible for it, and the responsibility must rest with those who had passed the Bill through two stages in one day, and had sent it up to their Lordships on the day before the conclusion of the Session.

The Marquess of LANSDOWNE thought that the alterations which had been made by the Commons were, on the whole, expedient; but he allowed that some time must be given for their consideration.

The Earl of MINTO said, that, seeing the sense of the House was against the Motion, he would not press it.

Lord MONTEAGLE then moved that the Amendments of the Commons be considered that day month.

Motion, by leave of the House, *withdrawn;* the said Amendments to be considered on *this day month.*

ST. ALBANS BRIBERY COMMISSION BILL.

Lord BEAUMONT moved, that the House do agree to the Amendments made by the Commons in this Bill.

Lord REDESDALE objected to the extraordinary and unconstitutional powers conferred by it; but he would only insist upon an objection which was sufficient to defeat the measure, namely, that no notice had been given on the paper of the intention to move the discussion.

Earl GREY observed, that there was a difference between this Bill and the last, inasmuch as there was not time in the latter case to consider the Amendments made by the Commons. This, however, related to a subject which had already been discussed by their Lordships, and the House of Commons had not introduced any new matter. He trusted that his noble Friend would persevere in his Motion.

Lord BEAUMONT did not see any reason why the Amendments should be objected to, except on a question of form, and that was not sufficient to justify their rejection.

The Amendments were then agreed to without a division.

THE KINGSTON ESTATES AND THE ENCUMBERED ESTATES COMMISSIONERS.

The Earl of KINGSTON moved for copies of all the affidavits made in the Encumbered Estates Court in Dublin, in the matter of the sale of the estates of the Earl of Kingston, in the counties of Cork, Limerick, and Tipperary, with reference to the value of the said estates, and the qualification of Mr. Collins as a land surveyor and valuator.

The Marquess of LANSDOWNE observed, that there was no necessity for acceding to the Motion of the noble Earl, as all the affidavits to which he referred could be purchased for the small sum of *2d.* or *3d.*

Lord BEAUMONT said, that his noble Friend (the Earl of Kingston) had entrusted him with a petition on the same subject to which his Motion referred. It stated that the landed property of the petitioner amounted in value to the sum of 280,000*l.*, and that it had been brought into the Encumbered Estates Court at the suit of a single creditor, to whom a sum of 200*l.* only was owing. Several lots were put up for sale, but as no bidders appeared, the Chief Commissioner publicly adjourned the proceedings and left the court, followed by a large number of persons, who were in attendance on the occasion. The agent for the petitioner also quitted the court, under the impression that the sale had been adjourned; but Mr. Commissioner Longfield, at the request of some persons who said that they had come for the purpose of bidding, offered to put up any lots that might be called for, and accordingly lot 47, and other lots, were put up, and some of these were sold. The petitioner was advised that under these circumstances the sale was not good; but the property had been already conveyed away, and the purchaser had obtained a Parliamentary title. This was the principal ground of complaint contained in the petition; and he (Lord Beaumont) would say, that if the facts stated in the petition were correct, he thought the noble Earl was perfectly entitled to approach the House and complain of what had taken place. He trusted that an inquiry would be made into the circumstances, and that Mr. Commissioner Longfield, who was well known for his great ability, would be afforded an opportunity of giving some explanation of his share in the transaction.

Lord MONTEAGLE thought it was of the greatest importance to the working of the Encumbered Estates Act, that the Commissioners should have a full opportunity of explaining and answering the matter in that petition.

The Earl of MOUNTCASHELL said, he knew a case of a sale having been adjourned in the same court, and fixed upon to take place on a certain future day; yet a private sale had taken place before the appointed time.

The Earl of MINTO said, it was not regular to have such charges made against the Commissioners, at a time when no noble Lord was in a condition to answer them.

The Earl of MOUNTCASHELL said, that was the last opportunity he should have of calling attention to the subject for some time. He had also to observe upon the publication of the under valuation of the property, to make it look as if it had sold well; and there was also another plan pursued, namely, that of leaving out the reversionary value of property.

The Marquess of LANSDOWNE also deprecated the practice of making any such charges as could not then be fairly met.

The Earl of MOUNTCASHELL said, his general charges were notorious in Ireland.

The Motion was understood to be agreed to.

House adjourned till To-morrow.

HOUSE OF COMMONS.

Thursday, August 7, 1851.

Minutes.] Public Bill.—3° Patent Law Amendment.

THE EXHIBITION OF 1851.

Colonel SIBTHORP then said, that he wished to ask the President of the

Board of Trade, whether certain individuals had not been admitted into the Crystal Palace on the Sabbath-day? And whether some of them had not availed themselves of that opportunity to copy certain articles therein deposited?

Mr. LABOUCHERE said, that since the hon. and gallant Officer gave notice of this question, he had made some inquiries with a view to ascertain what it was that could have given rise to the statement which he had just made. He found that the general rule had been to prevent all working or admission into the Crystal Palace, except for necessary purposes, on the Sabbath. The Executive Committee had, however, thought it extremely useful and desirable to preserve a record of the articles exhibited, so far as they were allowed by the exhibitors; and for that purpose certain gentlemen had been admitted into the building, with a view to try some experiments, with respect to the best mode of taking photographs of some of the principal objects, especially works of art—for it appeared that it was necessary that these experiments should be tried when the building was almost empty, and also that the light was unfavourable for that purpose, except during the hours when the public was admitted, from ten o'clock in the morning to seven o'clock in the evening. Under these circumstances the Executive Committee felt themselves justified in allowing a gentleman, who was very skilful in this branch of art, to have admission on two occasions, for the purpose of trying the requisite experiments.

Colonel SIBTHORP asked whether it was true, that a work of art which had been purchased by Mr. Tudor, had been so much damaged from being photographed on Sunday, that he was compelled to decline it?

Mr. LABOUCHERE said, he regretted to say, that in trying these experiments, one work of art was partially damaged, in altering its position, with a view to the better application of the photographic process. That was the only instance in which any work exhibited had received any damage, and communications were now going on with the owner with a view of giving him ample compensation.

PATENT LAW AMENDMENT BILL.

Order for considering the Amendments to the Patent Law Amendment Bill read.

Mr. CORNEWALL LEWIS said, that one of the points upon which the right hon. Gentleman the Member for Ripon (Sir J. Graham) had objected to this Bill was, that, while the amount which would be realised by the fees to be taken under it was uncertain, it proposed to authorise the Lords of the Treasury to make a fixed charge upon the Consolidated Fund, for the payment of compensation to persons whose offices and emoluments had been abolished under the Act. He was fully prepared to admit that there was considerable weight in that objection; but at the same time he was not prepared to accede to the suggestion which was made on the previous day, that a fee fund should be created, and that the whole frame of the Bill should be altered, so as to allow of this change. The Government were not prepared to alter the Bill to the extent which would in that case be requisite; and he might mention that the recent course of legislation had not been in favour of the creation of separate fee funds; and he need only refer to the case of the fee fund in the Court of Chancery, which had lately come under their consideration, to show that the sense of that House was not in favour of creating a fee fund for the first time. The scheme of this Bill seemed, on the whole, to be simple and effectual, and to provide an easy mode of accounting for the receipts and of meeting the disbursements, under the control of that House, with the single exception of the clause relative to compensation; and he hoped that the alteration which he proposed in Clause 49 would meet the objections which were urged against it on the previous day. Instead of giving the Treasury the power of awarding compensation, and of making a charge upon the Consolidated Fund, he proposed, while retaining for the Treasury the power of awarding compensation to the officers, to enact that its amount should be provided out of such money as might be provided by Parliament for that purpose. The amount of compensation would thus be put on the same footing as the salaries; and no compensation could be paid to any officer without a vote of that House. He apprehended that security would thus be afforded against unnecessary expense. With regard to the patent offices, the holders of which would be entitled to compensation, he found that there were three in the Signet Office; but as two out of the three holders were dead, there would only be one person entitled to compensation, Then there was one patent office under the Privy Seal; and another (the clerk of the Hanaper Office) under the Great Seal, the latter being held by a clergyman named Thurlow, to whom it was granted by Lord Chancellor Thurlow; and there was also the clerk of patents, appointed by the Attorney General.

The ATTORNEY GENERAL having proposed some other Amendments of minor importance,

SIR JAMES GRAHAM said, that he regarded this as an *ad interim* arrangement, as it had been opened by the President of the Board of Trade and the Attorney General; and as it was no doubt difficult to calculate the amount of fees beforehand, it might not therefore have been fair to fix the compensation exclusively on the fund to be so received. He should, however, have been very sorry to make a permanent charge upon the Consolidated Fund for compensation under an *interim* arrangement. He thought that the arrangement proposed by the hon. Secretary for the Treasury was perfectly unobjectionable, because it brought both the payments on account of salary and of compensation under the cognisance of Parliament in an annual vote, and was, therefore, quite different from a charge on the Consolidated Fund.

Amendments *agreed to.*

MR. LABOUCHERE said, he hoped the House would allow the Bill to be then read a third time. He admitted that his proposition could only be justified by the period of the Session, and the necessity there was for the Bill being sent up to the House of Lords immediately.

Clause *added.*

Bill read 3°, and *passed* with Amendments.

ATTENDANCE OF MEMBERS IN THE HOUSE OF PEERS.

On the Motion of LORD JOHN RUSSELL,

Resolved—" That it is expedient to insure regularity in the order of proceeding from this House to the House of Lords on occasions of Opening or Proroguing Parliament ;"

MR. LABOUCHERE then moved, in accordance with the recommendations of the Committee—

" That every Member desirous of attending Mr. Speaker do communicate his intention in writing to the Clerk of the House, in case the House be not sitting, before the hour of Five in the afternood on the day preceding ; and if the House be sitting, between the hour of Three in the afternoon and the rising of the House on the day preceding."

MR. VERNON SMITH complained that the attendance in the House the day previously should be made a condition to accompanying the Speaker to the House of Lords. The rule was that there should be unlimited access to the House of Lords on the occasion of Her Majesty's visit; but it was found necessary from the confusion which had arisen on a former occasion to make some regulation on the subject. Such a Resolution as that proposed might be necessary on the occasion of the first meeting of Parliament; but he did not think it necessary when large numbers of Members had left town. He thought the plan proposed, that Members who were desirous of attending the Speaker to the House of Lords should communicate their intention in writing to the clerk of the House, would be very inconvenient to hon. Gentlemen. In his opinion the most convenient rule they could adopt would be that all Members who were present in the House within five or ten minutes after the Speaker took the chair on any occasion when they were to be called to attend Her Majesty in the House of Peers, should put down their names in order that they might be drawn to determine their precedence. He thought it would be advisable to follow the plan adopted at coronations, when hon. Gentlemen drew for the choice of places. There seemed no reason why the arrangement should be made over night; the morning would be time enough. As to the second Resolution, that the Cabinet Ministers present should immediately follow the Speaker, he (Mr. V. Smith) had no desire to indulge in constitutional pedantry; but he saw a great objection to Cabinet Ministers being selected in this way. The noble Lord (Lord John Russell) seemed to presume that Her Majesty would prefer seeing Her Cabinet Ministers round the Speaker; surely She would desire to see him surrounded by the representives of the people. The House knew no official rank upon that occasion. He (Mr. V. Smith) would take the sense of the House upon that Resolution, which appeared to involve an unnecessarily unconstitutional proceeding.

SIR DENHAM NORREYS had a great objection to the restriction imposed by the first Resolution, that no Member be allowed to attend Her Majesty's summons unless he had gone through a certain form the day before; Members were not bound to communicate with the clerk previous to the meeting of Parliament; many Members arriving just before could not comply with this rule. The case would be much simplified if the House of Lords would give the House of Commons room to obey the Queen's summons, and not fill up part of the space that ought to be kept clear for them. He (Sir D. Norreys) would propose to omit the first Resolution, and let the third run—"That on the day of meeting, or prorogation, and before other business, the names of Members then present be put into a glass and arranged according to the order in which they shall be drawn forth therefrom." Members coming in subseqently might draw numbers as they entered the House. Between every 10 or 20 Members a messenger might go, in order to prevent pressure.

Sir ROBERT H. INGLIS thought, that though Cabinet Ministers, as such, might not be allowed precedence on the occasions in question, the House would probably be disposed to recognise a distinction between Privy Councillors and other Members of the House. He conceived that there would be a disposition to allow the Cabinet Ministers precedence, if they would be content to share it with the rest of the Members of the Privy Council; and, subject to that, it seemed advisable to adopt the precedent mentioned by the hon. Gentleman (Mr. V. Smith). This would be but an experiment, however, and a different arrangement could be adopted hereafter, if thought more convenient. It was very desirable to adopt some plan to secure order, although the avenue connecting the two Houses was now broader than the passage from the old House of Commons, where Members had really sustained personal injury, and one —almost the father of the House—was thrown down.

Mr. CHISHOLM ANSTEY supported the objection of the hon. Baronet. The scandalous arrangements of the other House rendered unavoidable that confusion which took place on such occasions. A House with 656 Members was summoned to attend in a body where there was not room for 120. He did not care whose fault it was—whether of the House of Lords, or of Mr. Barry, who, he dared to say, had made as good a job in building that House as he was now making of the House of Commons; but it was not the fault of the latter, and the remedy ought to be provided elsewhere. He objected to the third Resolution, which would give a power to the Serjeant-at-Arms to remove Members from the lobby and passages. He supposed the next suggestion would be to give the Serjeant-at-Arms power to remove Members from the floor of that House. If the Resolution were adopted, it would be illegal, unless it had the concurrence of the Crown and the other House of Parliament, for nothing but an Act of Parliament could deprive him of his rights as a Member of the House of Commons and as a British subject. He had visited the library that morning, and had searched for precedents in the Journals of the House; and nowhere, from the period of the Tudors to the present time, could he find any reference whatever to the office of Cabinet Councillor. The Cabinet Council was an invention of comparatively modern and corrupt times, for the purpose of screening Ministers from their responsibility to the Privy Council and to Parliament. Mr. Hallam, the eminent historian, said that the Cabinet Council was not recognised by the constitution or the law, but was a private arrangement of Ministers between themselves, and that any Minister who chose the secrecy of a Cabinet Council might obtain absolute impunity for any crime; whilst Mr. Justice Coleridge said that no indictment could be brought against a Cabinet Minister in that capacity. The question was, therefore, should this House lightly set the example of recognising by name, and, so far as that recognition went, of sanctioning the existence of a conspiracy so illegal and so dangerous? Should they say that the Cabinet Councillors, as they were called, who had seats in that House, ought to usurp the privilege of the right hon. Gentleman in the chair? There was but one superior recognised in that House, and that was the right hon. Gentleman who now so worthily filled the chair; he was *primus inter pares;* but if this Resolution were adopted, it would be the Cabinet Councillors—not the right hon. Gentleman —who would be at the head of the Commons of England. For these reasons he (Mr. Anstey) should vote against the Resolution, and all the succeeding Resolutions; and also against proceeding in any manner with the question during the present Session of Parliament.

Mr. T. GREENE was understood to say that he did not think the Report and the Resolutions called for the strong language which had just been indulged in by the hon. Member for Youghal. He (Mr. Greene) had often witnessed the confusion which prevailed when the House had been summoned to the House of Lords, and had seen the right hon. Gentleman in the chair, as well as his immediate predecessors, pressed upon in a most unseemly manner on such occasions. It was not upon the Motion of a Cabinet Minister that this subject had been first brought forward. Originally it was proposed that the Privy Councillors in that House should have precedence; but they being too numerous, it was thought to be only a matter of courtesy to give the Cabinet Ministers precedence.

Sir BENJAMIN HALL objected to the Resolution, on the ground that inconvenience would arise if Members were obliged to write previously, expressing their wish to attend. He proposed the following Amendment:—

> "That every Member desirous of attending Mr. Speaker shall put his name in a glass when the House is summoned to attend Her Majesty; and that the Members' names shall be drawn by the clerk from the glass, and in such order as they may be drawn they shall proceed to the House of Lords."

Sir DENHAM NORREYS said, the proposition had been already made, with this exception, that the hon. Baronet's Amendment involved this difficulty, that after the Black Rod should have summoned the House to the bar of the other House, they would proceed to the ballot. Nothing could be more incongruous or improper than that proceeding. The question should be put in an intelligible form, by allowing the arrangement to be made before Black Rod came to summon them.

Mr. T. HOBHOUSE had no wish to attach undue importance to the subject, but thought that when they were about to establish a principle they should take care that it was a just one, and not sacrifice any constitutional principle, as they would do by passing the Resolutions. As representatives of the people. they ought to bear in mind that they were equal among themselves. If there was to be any precedence, let it be that which was observed elsewhere; let a baronet have precedence of an esquire, and a Privy Councillor of a baronet. Cabinet Ministers had no real status in this country; the Cabinet Council was an unconstitutional body, which originated in the reign of Charles the Second. There was one point to which he particularly wished to call attention—a point which deserved the notice of the Lords themselves. In that House every facility was given to the Lords for attendance; seats, and every accommodation, were provided; but the House of Lords did not grant similar accommodation to the House of Commons. Even of the small space allotted to the Members of that House, half was filled by strangers before the Members could enter it. He should certainly support the Amendment of the hon. Baronet (Sir B. Hall), and the House might rely upon it if they established the proposed precedent, a reformed House of Commons would upset it within five years.

Mr. M'GREGOR observed, that Members were now going to the country, and they would find the people considered that their representatives were frequently placed in a very invidious position. He thought some regulations ought to be adopted to prevent disorder on these occasions; and he conceived that the ballot might be adopted without a formal vote. He should readily grant precedence by courtesy to past and present Cabinet Ministers; but a Resolution to that effect would be unconstitutional.

Sir De LACY EVANS hoped that the House would not, by attaching too much importance to the question, expose themselves to ridicule out of doors.

Amendment, by leave, *withdrawn.*

Sir BENJAMIN HALL, with a view to remove the objection taken to the Amendment by the hon. Member for Mallow, would propose another Amendment with an alteration in the words.

Another Amendment proposed—

> "To leave out from the word 'do' to the end of the Question, in order to add the words 'put his name in a glass; and half an hour after the meeting of the House the Members' Names shall be drawn from the glass, and in such order as they may be drawn the Members shall proceed to the House of Lords, in ranks of four,' instead thereof."

Lord JOHN RUSSELL observed, that he had moved the appointment of a Committee on the subject, because he understood that a desire existed to render the proceedings more orderly on the occasions to which the Resolutions had reference. He was responsible for having moved the appointment of that Committee. When the Committee met, he certainly proposed that a precedence should be established, which was not the precedence contained in these Resolutions. The precedence he proposed was, that the Speaker should name four Members to accompany him, thinking it desirable that the Members who moved and seconded the Address, for instance, should, on the proper occasions, attend the Speaker before other Members. However, that proposal was unanimously negatived by the Committee, and the proposal now before the House adopted in preference. That was to him entirely a matter of indifference. All he was anxious for was that the House should agree, if possible, without a division, because it was not a question on which it was desirable to proceed to a division; and if the Resolution, as amended by the hon. Member for Marylebone, met the approval of the House, he hoped it would be adopted without a division, in accordance with his suggestions.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived;*—Words *added.*

Main Question, as amended, put, and *agreed to.*

Resolved—"That every Member desirous of attending Mr. Speaker, do put his name in a glass; and half an hour after the meeting of the House the Members' Names shall be drawn from the glass, and in such order as they may be drawn the Members shall proceed to the House of Lords, in ranks of four."

Motion made, and Question proposed—

"That after this House has been summoned to attend Her Majesty, no Member of this House do remain in, or cross, or pass through, any of the Lobbies or Passages leading from the Door of this House to the Door of the House of Lords; and that the Serjeant-at-Arms attending this House do keep the said Passages clear of Members."

MR. CHISHOLM ANSTEY wished to know whether Members were to be prevented following the Speaker to the House of Lords until the absent and the stray Members had been found to accompany him thither? He had certainly understood that the Amendment of the hon. Baronet (Sir B. Hall) was to be substituted for the whole of the Resolutions proposed on the part of the Government; and finding that was not so, he (Mr. Anstey) would insist on dividing the House. There was no proper place reserved at the bar of the House of Lords for the accommodation of the Members of the House of Commons. The place understood to be set apart there for the accommodation of Members was full of lawyers' clerks, Parliamentary agents, and unsuccessful candidates for seats in the House of Commons. He wanted to know from the noble Lord whether any arrangements were to be made to-morrow for keeping open for hon. Members, not only the square part, to which they were usually confined, but the whole space below the bar of the House of Lords open?

LORD JOHN RUSSELL said, in a communication made to them by the Lords, the Committee received a positive assurance that the whole space below the bar, which was said to be intended for the accommodation of Members of the House of Commons, would be kept reserved for the House of Commons. The Committee were likewise informed, that there would be space provided for 300 persons below the bar—at all events, during a division in the House of Lords the other day, 146 Peers were assembled in that place. He might, therefore, assume that 150 Members of the House of Commons might be accommodated below the bar, and that was as large a number as was likely to attend. It was certainly to be desired that persons who had no right to be there should not be allowed to be present to-morrow, or on similar occasions in future, to the exclusion of Members of the House of Commons. The hon. and learned Gentleman (Mr. Anstey) objected to the Resolution before the House. He (Lord John Russell) had always understood that the greatest inconvenience had been experienced in going to the House of Lords on former occasions by the Members immediately following the Speaker, who were pushed and driven about by persons who crossed them as the Speaker passed into the House of Lords. He hoped such conduct as that would not be repeated in future. He trusted also that the hon. and learned Gentleman (Mr. Anstey) would not persist in dividing the House on the Resolution.

SIR DENHAM NORREYS suggested, that numbered tickets should be issued to Members, and that they should be admitted to the space below the bar of the House of Lords according to the numbers marked on the tickets.

COLONEL SIBTHORP said, if he was not fortunate enough to obtain a prize in the ballot, being anxious to pay all due respect to his Sovereign, he would naturally be anxious to make the best endeavour in his power to obtain a place below the bar. In that effort he might be taken into custody, if the Resolution before the House were agreed to. Then the inquiry would arise, "Where is the hon. and gallant Member for Lincoln?" [*Laughter.*] "Locked up," would be the answer; "possibly in the Crystal Palace." He objected to any hon. Member being prevented paying the respect which he wished to render to his Sovereign.

VISCOUNT PALMERSTON begged to remind the House, that there was nothing new in the Resolution, for an exactly similar one had been passed on the occasion of Her Majesty's coronation. He merely mentioned that circumstance, as an idea seemed to prevail in the House, that in passing that Resolution they were establishing a rule for which there was no precedent.

MR. BAILLIE COCHRANE wished to know how long Members were to remain in the custody of the Serjeant? Was it to be till the next Session?

LORD JOHN RUSSELL observed, that if any Member insisted upon his right of passing, he did not know that the Serjeant-at-Arms would have any right to keep him in custody at all. The arrangement was one which, after all, must be left mainly to the good taste of hon. Members themselves to carry out.

MR. HUME would remind the hon. Member for Bridport, that the power of the Serjeant-at-Arms ceased as soon as Parliament was prorogued.

MR. BAILLIE COCHRANE: Then the Resolution is of no use.

MR. HUME considered it was necessary that some means should be adopted for keeping the passages clear during the ceremony.

Motion, by leave, *withdrawn.*

SARDINIA AND NAPLES.

SIR DE LACY EVANS rose to put two questions to the noble Lord at the head of the Foreign Office, and he hoped, for the sake of humanity, that the noble Lord would be able to answer them satisfactorily. It was well known, upon the most unexceptionable authority, that, in consequence of the refuge which Piedmont had given to the thousands of Italian refugees driven out from other parts of the peninsula for political causes, the Austrian Government had seen fit to interfere, and that the constitution of Piedmont was threatened with danger. He then asked, whether they might expect that the Governments of France and England would unite, in order to give all the support in their power to the Government of Piedmont, with a view to maintaining its national independence, and the preservation of those institutions now established in that kingdom? The next question that he had to put was with reference to the state of Naples—a far more painful topic. They had it, on the authority of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), that the present practice of the Government of Naples, with regard to persons who were real or supposed political offenders, was such as to be wholly opposed to religion, civilisation, and humanity. They had it on the same high authority, that the constitution, which was spontaneously granted to the people of Naples in 1848, had been violated in every particular; that the King of Naples had imprisoned a majority of the representatives of the people, and that—

MR. B. COCHRANE rose to order. He asked, if it was permitted by the rules of the House to make attacks on foreign countries, when there was no possibility of making the attack subject of debate?

MR. SPEAKER said, the hon. and gallant Member was entitled to put a question, but not to enter upon any matter that was likely to lead to a debate.

SIR DE LACY EVANS would not make any further observations, but would confine himself to the question which he had put upon the paper. The question was as follows:—

> "From a publication entitled to the highest consideration, it appears that there are at present above 20,000 persons confined in the prisons of Naples for alleged political offences; that these prisoners have, with extremely few exceptions, been thus immured in violation of the existing laws of the country, and without the slightest legal trial or public inquiry into their respective cases; that they include a late prime minister and a majority of the late Neapolitan Parliament, as well as a large proportion of the most respectable and intelligent classes of society; that these prisoners are chained two and two together; that these chains are never undone, day or night, for any purpose whatever, and that they are suffering refinements of barbarity and cruelty unknown in any other civilised country. It is, consequently, asked, if the British Minister at the Court of Naples has been instructed to employ his good offices in the cause of humanity, for the diminution of these lamentable severities, and with what result?"

VISCOUNT PALMERSTON: With reference to the first question put by my hon. and gallant Friend, I have to say that Her Majesty's Government have attached great importance to the independence of the kingdom of Sardinia, and have looked with great interest and anxiety to the good working of the constitution there established; but nothing has occurred to lead Her Majesty's Government to apprehend that that independence is in danger from any encroachments or assaults from any foreign Power; and the manner in which that constitution has been hitherto worked by the concurrence of the Sardinian people and the Sardinian Sovereign entitles us to entertain the most fervent hope and expectation that it will continue to be—as it at present is—a model worthy of imitation by all the nations of Europe: an example of good government which is not only highly honourable to the people and Sovereign of the country, but which is also calculated to inspire hopes of improvement in other countries where similar institutions have not yet been brought to bear. With regard to the second question, I may say that Her Majesty's Government, in common with all the leading men of this country—who, I presume, have all of them read the pamphlet to which my hon. and gallant Friend has referred — have received with pain a confirmation of those impressions that had been created by various accounts we had received from other quarters of the very unfortunate and calamitous condition of the kingdom of Naples. It has not, however, been deemed a part of the duty of the British Government to make any formal representations to the Government of Naples on a matter that relates entirely to the internal affairs of that country. At the same time, I thought it right, seeing that Mr. Gladstone—whom I may freely name, though not in his capacity of a Member of Parliament—has done himself, as I think, very great honour by the course he pursued at Naples, and by the course he has followed since; for I think that when you see an English Gentleman, who goes to pass a winter at Naples, instead of confining himself to those amusements that abound in that city, instead of diving into volcanoes, and exploring excavated cities—when we see him going to courts of justice, visiting prisons, descending into dungeons, and examining great numbers of the cases of unfortunate victims of illegality and injustice, with a view afterwards to enlist public opinion in the endeavour to remedy those abuses—I think that is a course that does honour to the person who pursues it; and, concurring in opinion with him that the influence of public opinion in Europe might have some useful effect in setting such matters right, I thought it my duty to send copies of his pamphlet to our Ministers at the various Courts of Europe, directing them to give to each Government copies of the pamphlet, in the hope that, by affording them an opportunity of reading it, they might be led to use their influence for promoting what is the object of my hon. and gallant Friend—a remedy for the evils to which he has referred.

GREECE.

LORD DUDLEY STUART wished to put the following question to the noble Lord the Secretary of State for Foreign Affairs: Whether the Government will take into consideration the propriety of appointing a Commission to inquire into the manner in which the sum paid annually by England, France, and Russia, on behalf of the Government of Greece, has hitherto been expended; and to ascertain in what manner it would be desirable for the interests of Greece to lay out that large sum for the future? By the treaty with Greece, when that kingdom was first established, this country, in conjunction with France and Russia, guaranteed a loan to the Greek Government. There was a stipulation in the convention then come to of a very peculiar character, under which one would suppose this country never would be called upon to pay any money. Nevertheless, by the practical working of that treaty, England had been called upon to pay annually a large sum, amounting to 40,000*l.*, on account of the Greek Government.

VISCOUNT PALMERSTON said, it was quite true that by the treaty which was made in respect to Greece, it was thought that security had been taken against any liability being incurred by the three Powers for the payment of the interest of the loan granted to Greece. The stipulation of the treaty was, that the first produce of the Greek revenue should be applied to the payment of the interest of the debt, and then in reduction of the debt itself, and after that the surplus was to be applied to the current service of the State. He was sorry to say that from first to last that engagement had been disregarded by the

Greek Government, and the consequence had been that a liability had been incurred by the three Governments. That had been made the subject of repeated representations and communications between this country and the Government of Greece, and also between the British, the French, and the Russian Governments. He regretted to say, that, hitherto, those representations and communications had not led to any definite result. He was bound to say, that it was less excusable on the part of the Greek Government, because if that Government had properly managed its financial affairs, it would have had ample means of meeting the demands upon it. The deficiency of its revenue was the excuse which the Greek Government put forward; but that arose very much from the irregular and inadequate arrangements for collecting the revenue, as well as from the reckless expenditure when that revenue was raised. He was also afraid there had been a laxity, arising in a great degree from an indisposition on the part of the Greek Government to submit to that constitutional system which was forced upon them in 1832, by the insurrection of the Greek people; and which they had endeavoured to evade, practically by means tending very greatly to diminish the financial resources of that country. It was needless for him to say that circumstances occurred last year which rendered it difficult for the English Government to seek any settlement with Greece. He should feel it his duty to communicate on this matter with the Governments of France and Russia, with a view of making some impression of a sense of right and justice on the Government of Greece.

INCOME AND PROPERTY TAX COMMITTEE.

Mr. HUME, in moving that the evidence taken before the Select Committee on the Property and Income Tax be laid upon the table of the House, complained of the unfair way in which he had been treated throughout the whole of this question. When he first voted for the imposition of the income tax, it was to enable Sir Robert Peel to carry out those reforms which had been so long next his heart; and when, in 1845, a renewal of that tax was demanded, the career of the right hon. Baronet had been so successful that he was not willing to cramp his efforts. But when, in the present Session of Parliament, he succeeded in limiting the duration of the tax to one year, he obtained leave to place the whole question before a Select Committee. Every obstacle had been thrown in his way. The Committee was not constituted for one month after the time he had obtained leave to have it appointed. He then told the Chancellor of the Exchequer to give him three or four Members whom he had promised to place on the Committee, and that he would leave the nomination of the rest to him. That offer was accepted, and he abided by it. The Committee sat nine times, and examined seventeen witnesses. With the exception of three, they were all public officers of the Inland Revenue Department. Not one of these persons gave evidence which it was not important should go before the public; not a particle of it was evidence which could be contradicted, or required to be put forward side by side with evidence which tended to modify it; but the Committee refused to agree to a resolution by which that evidence would be placed in the possession of the House. The fullest information ought to be given upon every subject connected with the incidence of taxation. If changes were contemplated, the public ought to know what those changes were, and whether they could be made with justice and safety. The effect of the inquiry in this instance had been to prove, that for nine years the income tax had been attended with inequality and injustice, which, he believed, might have been removed the first year it was imposed. The Committee had, by a majority of seven to four, decided against the publication of the evidence, in the absence of himself and the hon. Member for Sheffield (Mr. Roebuck). But who were the seven who objected? The Chancellor of the Exchequer and his two nominees, and the Gentlemen from the opposite side of the House, who did not want any property tax at all. He could not understand how any member of the Government, or any free-trader, could wish to conceal that evidence; but so it was, by an unnatural, inconsistent combination the evidence was to be suppressed. He said again, an "inconsistent combination," for the Chancellor of the Exchequer could not carry out free trade without a tax on property and income; and, if he was sincere in his support of that liberal policy, why did he join with the hon. Member for Bucks (Mr. Disraeli) and the protectionists in stifling the inquiry? There was no evidence given before the Committee which ought not to be in the hands of every individual in the country. If the House would not call for that evidence, it was in his possession, and it should go forth to the public. But, with the view of diffusing general information and general knowledge, he ventured to appeal to the House to allow of this evidence being published in a regular way.

Motion made, and Question put—

"That the Minutes of the Evidence taken before the Select Committee on Income and Property Tax be laid before this House."

The CHANCELLOR OF THE EXCHEQUER had listened with a great deal of pleasure to the greater part of the speech of the hon. Gentleman; because it was a satisfactory proof that he had recovered from his recent illness, which, he was quite sure, was regretted and deplored by every one. But he could not say he had listened with any pleasure to the unjustifiable attack which the hon. Member had made upon himself and upon other parties. His hon. Friend had stated very truly, the question of printing the evidence was discussed in Committee at some length, and the majority came to the conclusion that as the evidence was so incomplete it was inexpedient to lay it before the House. The fact was, a great deal of the evidence taken would be contradicted by other evidence; and, to print that which was imperfect, might mislead the public. But when the hon. Member spoke of unnatural combination, he should remember how his Motion was carried, upon which the Committee had been appointed. [Mr. HUME had never asked for any combination.] When the hon. Member said he voted on the same side as the hon. Member for Bucks in the Committee, he would remind him that Mr. Disraeli and a large proportion of Members on the opposite side of the House voted with the hon. Member (Mr. Hume) to limit the tax to one year, distinctly disavowing the intention of having any inquiry at all. His hon. Friend ought not to run away with the notion, that in that combination those who voted with him agreed with him in the principles of free trade, or in the object which his hon. Friend himself had in view. He (the Chancellor of the Exchequer) was not quite aware whom his hon. Friend considered as "his nominees," unless they were the hon. Member for Westbury (Mr. Wilson), and the hon. Member for Canterbury (Mr. Ellice); but they happened to vote in the Committee, one each way. He trusted hs hon. Friend would, in future, be more cautious in making insinuations so utterly unjustifiable in fact. With regard to the question, whether the House should interfere to order the printing of evidence which the Committee, after full information and full knowledge of the facts, thought it inexpedient to print, the House would not, he believed, entertain that question for a moment. He thought the Committee came to a wise determination. The evidence as it stood would be imperfect, and would give incorrect views to the public; and he trusted the House would not overturn the determination of the Committee not to print the evidence at this stage of the inquiry—a determination which they had come to after long discussion, and which he believed to be right.

SIR JOSHUA WALMSLEY regretted that the Chancellor of the Exchequer had not acceded to the Motion; but the right hon. Gentleman had spoken entirely beside the question, and had not favoured the House with a single reason; he merely said the majority of the Committee opposed the production of the evidence. But that majority was composed of seven to four, three Members being absent, as well as the Chairman himself. Whether the evidence went forth from the House, or not, it must go forth, and probably at quite as early a period as if authorised by the House. He wished it to go forth in a regular way, and that the public might have the opportunity of rebutting or confirming that evidence, bearing, as it did, on the great question of direct and indirect taxation. If it was imperfect it could be made more perfect hereafter; and he trusted the House would support the Motion.

MR. W. WILLIAMS advocated the printing of the evidence, on the ground, that there were many precedents of evidence being printed before the inquiry to which it related was complete. The withholding the evidence would render the Committee perfectly useless, and would reflect no credit on the Government.

LORD JOHN RUSSELL would not offer any observations on the general question; but he wished to refer to the statement which had been made, that if the House determined not to have the evidence printed, still hon. Members would give the public that evidence. Such a course would be very irregular, and a contempt of the authority of the House, and a proceeding which could not be justified in any Member of the House.

Mr. URQUHART expressed surprise at the state of the benches on which he sat. Here was a question of the greatest importance, and he was left absolutely alone, the only representative of the Opposition and of the old Tory party, who, when there was a country party in fact, and not in name, did represent the necessity of burdens being placed on those who could properly bear them. He was also surprised at the argument of the Chancellor of the Exchequer, that, because the inquiry was not complete, the evidence ought not to be printed. The idea of evidence being complete on the subject of taxation, passed his conception of the extravagant and the absurd. They were only at the commencement of the end. They were only taking up the principle of direct taxation, which they dropped years ago, and which had been completely forgotten.

Colonel THOMPSON said: I am sure the Chancellor of the Exchequer desires to preserve the income tax; and I desire to see him successful, because I stand here in the name of the working classes, who are made to pay at eleven times the rate of the rich by indirect taxation. The hon. Member for Montrose also declares he desires to preserve the income tax; but he took a strange way of doing it, when he united with those whose object was to put it down altogether. And further, there is a grand fallacy in the arguments of the supporters of his side of the question. When hon. Gentlemen call for a diminished tax on industrial property, they always mean on temporary incomes, though they have endeavoured of late to avoid the term. Now, it is as fair that a property held for a term of years should pay the tax for a term of years, as that a property held for ever should pay the tax for ever; there is not a farthing of inequality in the case. On the whole, therefore, he must go with the Chancellor of the Exchequer in preference to the Member for Montrose; and he was glad to have had the opportunity of stating the reason why.

Mr. HUME explained, that, in using the word "nominees," he adopted the phraseology of the Chancellor of the Exchequer, who had insisted on nominating three Members of the Committee. He had done his duty in bringing the subject forward, and he left it to the House to decide upon it as they should think fit.

House *divided*:—Ayes 15; Noes 15.

There being only thirty Members present, the House was adjourned at a quarter before Nine o'clock.

HOUSE OF LORDS,

Friday, August 8, 1851.

Minutes.] Public Bills.—Royal Assent.—Consolidated Fund (Appropriation); Merchant Seamen's Fund; Episcopal and Capitular Estates Management (No. 2); St. Albans Bribery Commission; Poor Relief Act Continuance; General Board of Health (No. 3): Coal Duties (London and Westminster and adjacent Counties).

PROTESTANT WORSHIP IN FOREIGN COUNTRIES.

The Earl of SHAFTESBURY moved—

"That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to direct that a Circular shall be addressed to the several Ministers of Her Majesty at Foreign Courts, and also to the Consuls where they discharge diplomatic Functions, instructing them to report on the Facilities which are offered in the several Countries in which they reside for the Erection of Protestant Chapels, and for the Formation and Regulation of Protestant Burial Grounds; and also on the Laws which prevail in the several Countries where the Roman Catholic Religion is established, touching the exercise of that Protestant Religion."

On Question, *agreed to;* and Ordered accordingly.

PROROGATION OF THE PARLIAMENT.

This being the day appointed for the Prorogation of the Parliament by The Queen in Person, Her Majesty entered the House soon after Two o'clock, accompanied by the Prince Albert, and attended by the Great Officers of State.

The Queen, being seated on the Throne, and the Commons (who were sent for) being come, with their Speaker,

Mr. SPEAKER made the following Speech to Her Majesty:—

"Most Gracious Sovereign,

"We, Your Majesty's faithful Commons, attend Your Majesty at the close of a laborious Session; and, in tendering to Your Majesty our last Bill of Supply for the Service of the Year, we have the satisfaction of stating to Your Majesty, that owing to the continued blessings of peace which Providence has vouchsafed to us, and the commercial and manufacturing prosperity of the country, the revenue has so far improved as to enable us to make a considerable reduction in the public burdens. We have substituted a moderate duty on houses for the tax hitherto levied on windows, and we have thus carried into still further effect the work of sanitary reform, which has distinguished the legislation of former Sessions. Our attention has also been directed to various measures for the improved administration of justice. We have modified the law of evidence so as to secure a more complete and satisfactory investigation of truth; we have simplified many of the details both of criminal and civil procedure; and we confidently hope that the important addition we have made to the judicial establishment will so far facilitate the appellate jurisdiction of the Court of Chancery, as also the Judicial Committee of Your Majesty's Privy Council, that the expenses and delays which have hitherto been inseparable from their proceedings, will, for the future, be materially diminished. The assumption of certain ecclesiastical titles conferred by a foreign Power has been to us a subject of much anxious and patient deliberation. We approached this difficult and delicate question in the spirit in which Your Majesty was graciously pleased to recommend it to our attention; and we trust that the measure which we have passed may be found effectual to prevent any further attempt to encroach on Your Majesty's supremacy, without in any degree infringing on the great principle of religious liberty. It is unnecessary for me to advert to other measures of minor importance, but exerting a material influence on the condition of the industrious classes, which have been matured during the present Session. When carefully reviewed, they will manifest our earnest desire to preserve the prerogatives of the Crown, and at the same time to promote the social improvement as well as the moral and physical welfare of all classes of Your Majesty's subjects. I have now humbly to pray Your Majesty's Royal Assent to the Bill entitled 'An Act to apply a Sum out of the Consolidated Fund to the Service of the Year,' and to appropriate the supplies we have granted in the present Session of Parliament."

And Mr. SPEAKER delivered the Money Bill to the clerk. The Royal Assent was then pronounced to several Bills.

HER MAJESTY was then pleased to make a most Gracious Speech to both Houses of Parliament, as follows:—

"*My Lords, and Gentlemen,*

"I AM glad to be able to release you from your Attendance in Parliament, and I thank you for the Diligence with which you have performed your laborious Duties.

"I CONTINUE to maintain the most friendly Relations with Foreign Powers.

"I AM happy to be able to congratulate you on the very considerable Diminution which has taken place in the *African* and *Brazilian* Slave Trade. The Exertions of My Squadrons on the Coasts of *Africa* and *Brazil*, assisted by the Vigilance of the Cruizers of *France* and of the *United States*, and aided by the Co-operation of the *Brazilian* Government, have mainly contributed to this Result.

"*Gentlemen of the House of Commons,*

"I THANK you for the Readiness with which you have granted the Supplies necessary for the Service of the Year.

"*My Lords, and Gentlemen,*

"IT is satisfactory to observe, that, notwithstanding very large Reductions of Taxes the Revenue for the past Year considerably exceeded the Public Expenditure for the same Period.

"I AM rejoiced to find that you have thereby been enabled to relieve My People from an Impost which restricted the Enjoyment of Light and

Air in their Dwellings. I trust that this Enactment, with others to which your Attention has been and will be directed, will contribute to the Health and Comfort of My Subjects.

"I THANK you for the Assiduity with which you have applied yourselves to the Consideration of a Measure framed for the Purpose of checking the undue Assumption of Ecclesiastical Titles conferred by a Foreign Power.

"IT gives Me the highest Satisfaction to find that, while repelling unfounded Claims, you have maintained inviolate the great Principles of Religious Liberty so happily established among us.

"THE Attention you have bestowed on the Administration of Justice in the Courts of Law and Equity will, I trust, prove beneficial, and lead to further Improvements.

"I HAVE willingly given My Consent to a Bill relating to the Administration of the Land Revenues of the Crown, which will, I hope, conduce to the better Management of that Department, and at the same Time tend to the Promotion of Works of Public Utility.

"IT has been very gratifying to Me, on an Occasion which has brought many Foreigners to this Country, to observe the Spirit of Kindness and Goodwill which so generally prevailed.

"IT is My anxious Desire to promote among Nations the Cultivation of all those Arts which are fostered by Peace, and which in their Turn contribute to maintain the Peace of the World.

"IN closing the present Session it is with Feelings of Gratitude to Almighty God that I acknowledge the general Spirit of Loyalty and willing Obedience to the Law which animates My People. Such a Spirit is the best Security at once for the Progress and the Stability of our free and happy Institutions."

Then the LORD CHANCELLOR, by Her Majesty's Command, said—

"*My Lords, and Gentlemen,*

"It is Her Majesty's Royal Will and Pleasure, that this Parliament be prorogued to Thursday the 4th day of September next, to be then here holden; and this Parliament is accordingly prorogued to Thursday the 4th day of September next."

HER MAJESTY and Prince Albert, attended by the Officers of State, as before, then retired, and the rest of the assembly immediately dispersed.

HOUSE OF COMMONS,

Friday, August 8, 1851.

THE BALLOT FOR PRECEDENCE.

MR. WAKLEY said, that he just observed the Prime Minister place his paper in the glass for balloting. Now he thought it was not right that the First Minister of the Crown should be placed in that position. The noble Lord should either accompany Mr. Speaker, or follow immediately after him. He hoped that that would be the general understanding of the House.

MR. VERNON SMITH said, he hoped that would be the general understanding. He should have been perfectly ready to have acquiesced in the proposal which the noble Lord submitted to the Committee, that Mr. Speaker should select four Members to accompany him; the right hon. Gentleman would then have selected the four principal Members in the House, including the leaders on each side, which would have been perfectly satisfactory.

[When, at a subsequent hour, the names were drawn, Lord John Russell's was the 42nd, Mr. Hawes the 114th, Lord Palmerston the 127th.]

IONIAN ISLANDS.

MR. URQUHART wished to know whether the Government contemplated, during the recess, making any alteration in the state of things that now existed in the Ionian Islands?

Mr. HAWES said, he hardly knew how to answer the hon. Gentlemen, his question had been put in so vague a manner. Her Majesty's Government were quite prepared to consider any grievances that might be complained of, and to redress them.

Mr. URQUHART said, there was another question on which he thought he was entitled to a positive answer. In the absence of the noble Lord the Secretary for Foreign Affairs, he had to ask the noble Lord at the head of the Government, whether there was any truth in that report, which appeared to be something more than a rumour, of an intention on the part of the Government to cede these islands to Greece? He expected the noble Lord to contradict that rumour. A speech had recently been made by Sir Henry Ward which gave rise to the rumour. He asked the noble Lord for specific information on this subject, and hoped that the Government did not recognise the statement made by Sir Henry Ward as to the intended surrender of these islands.

Lord JOHN RUSSELL, in reply, said, it was enough to say that there was no truth whatever in the rumour as to the surrender of the Ionian Islands to Greece.

Subject dropped.

INCOME AND PROPERTY TAX COMMITTEE.

Mr. WAKLEY said, that the division which had taken place on the preceding evening upon the Motion of his hon. Friend (Mr. Hume) for printing the evidence taken before the Income Tax Committee, had ended in so unexpected and unsatisfactory a manner, that he felt himself called upon to renew the Motion. He should therefore move, that the evidence taken by the Income Tax Committee be laid upon the table of the House and printed. He thought it his duty to take the sense of the House upon this Motion, because he understood that evidence of great importance had been laid before the Committee, and he was quite sure that the additional evidence which would be adduced when the Committee met next Session would make a blue book of such enormous size that no one would be able to digest it (whatever their appetite) in time for legislation during the Session.

Lord JOHN RUSSELL said, that though he was not a Member of the Income and Property Tax Committee, yet he was informed that the Committee had decided by a majority of seven to four against the publishing of the evidence in an incomplete manner, that evidence bearing upon two different questions, neither of which was closed by the Committee. He hoped, therefore, that the subject would be allowed to stand over until the next Session of Parliament.

Mr. HUME considered there was no one question of so much interest to the people as the manner in which taxes were raised. The taxes in this country were most unequally distributed. The poor were heavily oppressed, whilst the rich were permitted to escape. Those who prevented the evidence being printed, were those who were opposed to the principle of direct taxation; and they were aided by the Chancellor of the Exchequer, who maintained that no amendment could be made in the present mode of collecting the Income Tax. He could not understand upon what ground the noble Lord at the head of the Government was opposed to the printing of the evidence that had been already taken.

Mr. J. WILSON said, that the Committee had been unable to proceed, in consequence of the illness of the chairman (Mr. Hume) in the midst of the first branch of the inquiry.

Mr. HENLEY hoped that, as a Member of the Committee, the House would be disposed to listen to him, especially as he had given no vote on the occasion when the Committee decided against printing the evidence. Owing to the temporary illness of their chairman (Mr. Hume), the honour had been conferred upon him of placing him in the chair. There were two branches of inquiry before the Committee —one was as to the mode of collecting the tax; and there were several valuable witnesses on that point, summoned from Birmingham and Manchester; but these gentlemen were unable readily to get such information as would render them capable of answering the questions which the Committee desired to put to them. They had not arrived in town when the Committee determined upon closing their labours for the Session. That was one reason that induced the Committee to decide against publishing the evidence. Another reason that led the Committee to the same conclusion was, that some hon. Members of the Committee requested that some gentlemen who were here from the United

States, who had come to visit the Exhibition, and who were competent to give evidence as to the mode of taxing property in the United States, should be examined. The Committee, to suit the convenience of these gentlemen, went out of its way, and heard their evidence. There were, he thought, two gentlemen examined. This was a new branch of inquiry, and consequently opened a new branch of the subject. It was the consideration of these circumstances that led the Committee to decide against the publication of the evidence; and for that decision he would have given his vote if he had had the opportunity of doing so, because he felt it would be only throwing dust in the eyes of the public if the evidence were given in the imperfect form in which it had been collected.

Mr. J. L. RICARDO said, that the public were as well able to judge upon the matter of evidence as the hon. Gentleman (Mr. Henley). The public, he believed, would attach much more value to the evidence if it were now withheld from them, than it possibly might deserve. He did not think that evidence of any great importance in its present imperfect condition; but they might be sure that the public would conclude that there was something in it which the Government did not wish to publish, and in that case the right hon. Gentleman the Chancellor of the Exchequer would find, in proposing his Budget next year, a greater difficulty in obtaining the Income Tax. He hoped the Government would reconsider this matter, as no evil could follow from publishing the evidence, and much evil might be the consequence of withholding it.

Motion made, and Question put, "That the Minutes of Evidence taken before the Committee be laid before this House."

The House *divided:*—Ayes 50; Noes 62: Majority 12.

THE PROTESTANT CHURCH AT ROME AND IN SPAIN.

Sir ROBERT H. INGLIS wished to ask the noble Secretary for Foreign Affairs several questions of which he had given him notice. He begged first to ask whether, in the event of the members of the Church of England being disposed—as it was said they were—to erect a church in Rome, Her Majesty's Government were prepared to give the Consular protection to such church? Also, whether the Government had heard of any application which had been made to the Spanish Government for a Protestant burial place in Madrid; and, if so, whether the grant of such Protestant burial ground had been accompanied by such conditions as were unfit for a civilised nation to impose, and as it would be unbecoming Her Majesty's Government to accept? He wished further to ask, whether the Government were prepared to lay on the table the papers relating to the case of Captain Pakenham, who was exiled from Florence as a Protestant, and of Mr. Healey, a Protestant, who had been compelled to leave Rome?

Viscount PALMERSTON would first reply to the two last questions put by the hon. Baronet. There was a correspondence now going on between Her Majesty's Government and the Governments of Rome and Florence with regard to the cases of Mr. Healey and Captain Pakenham; but as that correspondence was still in progress, he should not feel it consistent with his duty to lay any part of it upon the table. With regard to the first question of the hon. Baronet relative to the Consular Act, wherever there was a Consul or Vice-Consul of this country, the Secretary of State was empowered, on the application of the British inhabitants, to extend to them the benefits of that Act, which consisted in this—that a chaplain might be appointed, whose salary should be provided for, in the first place, by the subscriptions of the resident community, the Secretary of State being empowered to give a sum equal to that subscribed from the money voted for Consular services. The British residents at Rome had had a chapel for some time—[Sir R. Inglis: A granary]—and if they applied to be allowed to place themselves under the provisions of the Consular Act, he was not aware of any reason why their application should be refused. Of course, it must be understood that that Act did not enable Her Majesty's Government to exercise any authority with regard to such chapels other than might be consistent with the laws of the country in which they were established, With respect to the burial ground at Madrid, by the ancient treaties between this country and Spain, British subjects in Spain were entitled to construct burial grounds. A long correspondence had taken place with regard to a burial ground which for some time past the English residents had had at Madrid, but which was too near the centre of the city to be in conformity with the recent laws for extramural interments adopted by the Government of Spain.

The British Government had been in correspondence with the Government of Spain on the subject of changing their burial ground for a new one, and they had at last gained the necessary permission for that purpose; but he was sorry to say, that that permission had undoubtedly been accompanied by conditions which were represented by the Spanish Government as arising out of the laws of Spain in regard to religious opinions, but which Her Majesty's Government had learned with considerable pain and regret. He had promised his hon. Friend (Sir R. Inglis) that he would lay on the table such part of that correspondence as he thought might be interesting to the House, and he now begged to present it.

Mr. BAILLIE COCHRANE begged to inquire who was now the official organ of communication at Rome for Her Majesty's Government? Was it Mr. Petre or Mr. Freeborn? Was Mr. Consul Freeborn the recognised organ of our Government?

Viscount PALMERSTON, in reply, said, that Mr. Petre was attached to the mission at Florence, and held a diplomatic character, which was not abated by the circumstance of the vacancy in the Florentine mission. He was therefore the diplomatic organ. Mr. Freeborn, the Consul, was organ for all matters pertaining to the Consular department; and, in the absence of Mr. Petre on leave, Mr. Freeborn would be the natural and only organ of communication.

Sir ROBERT H. INGLIS wished to know whether the sanction of Her Majesty's Government had been given to an ordinance of the Government of Malta, referring to the Church of Rome as the dominant religion in that island?

Mr. HAWES was understood to state, that the ordinance was not yet law, that it had not officially reached the Secretary of State, and that there were certain alterations of the penal code proposed, some of which Her Majesty's Government could not approve of.

Subject dropped.

PROROGATION OF PARLIAMENT.

Message to attend Her Majesty; the House went, when the Royal Assent was given to several Bills.

After which Her Majesty was pleased to make a most gracious Speech from the Throne to both Houses of Parliament.

Then the Lord Chancellor declared Her Majesty's Royal Will and Pleasure that this Parliament be prorogued to Thursday the 4th day of September next.

The House separated at twenty minutes to Three o'clock.

APPENDIX.

PAPAL AGGRESSION—ECCLESIASTICAL TITLES.

A Better Report of the Speech of Mr. P. H. HOWARD, *as delivered on Feb.* 12, 1851, *in* Vol. cxiv., p. 451.

Mr. P. H. HOWARD expressed his desire to address the House, because he would not appear to shrink in the hour of peril from the defence of his faith, which was now bound up with the great cause of religious liberty. A retrograde step on the part of a nation or Legislature always led to harsher measures; and the spirit of persecution, like other passions, was only strengthened by gratification. He hoped to defend his creed with what Whitbread had called "intrepid moderation;" violence and insult had been described by a French philosopher as a sign of error. No one knew better than the right hon. Member for Northumberland (Sir G. Grey), who had spoken of the unanimity of the movement against the so-called Papal aggression, that the effort to get up an anti-Catholic demonstration in that county had utterly failed; and his knowledge of the north of England must have informed him that, in the county of Durham, there had been no county meeting, in the proper sense. None had been held in the wealthy county of Lancaster. What had been the case in some of the largest towns in the empire? Had not Leeds petitioned the House to guard religious freedom? Birmingham had refused to address Her Majesty; and in Carlisle, the town he (Mr. P. H. Howard) represented, the town-council had not felt it their duty to thank the Prime Minister for addressing a letter in November to the Bishop of Durham. The Prime Minister, who had made strong charges against the Catholic religion, eulogised the Church of England as a very tolerant Church. Praise ill-bestowed might degenerate into satire. What did twenty-six bishops of the Establishment designate the creed from which they affected to derive their own orders?—as the inculcator of "blasphemous fables, and dangerous deceits." There were relatives of the Sovereign who belonged to the Church so denounced—Ferdinand of Coburg, Prince of Portugal, and the Princess Victoria, of Coburg, Duchess de Nemours. The late Queen of the Belgians was connected by marriage with the Queen. The Bishop of Oxford said, "Who needs to be told that Romanism is a system that so saps honesty in men's minds that there is nothing dishonest that may not be deemed holy, and nothing that becomes subject to its control that is not defiled by its pollution?" Were these words which the Prime Minister thought tolerant? If they were so, what was intolerance? These were words, uttered not in the heat of debate, but calmly in Merton College, when their author was teaching in the University with which the names of Wykeham and Chichele were associated. Then the Bishop of Durham proposed the suppression of all monastic orders in England and Scotland—a measure of most positive persecution. In the long oration with which the First Minister of the Crown had prefaced the introduction of this measure, his words upon the direct question were very few. He did not prove that the law had in any respect been violated; and if the law was not violated, where was the aggression? The law was not a matter of sentiment or poetry, it was a course of action and of conduct, resting on precise definitions and enactments. If the noble Lord considered the law to have been violated, why did he not prosecute those who had committed that violation? But, seeing that the law officers of the Crown had been unable to institute any such prosecution, he (Mr. Howard) came to the conclusion that no aggression had taken place. But, though the noble Lord was silent upon the question of aggression, he went very far to seek for precedents. He arraigned the policy of a distant potentate, the Emperor of Austria, who had lately ascended the steps of that time-honoured throne, which, in the graphic language of Napoleon, never died. The predecessor of that monarch, the Emperor Joseph, lost the brightest gem of the Imperial crown, the Austrian Netherlands, by his interference with the religious principles of his subjects; and he believed the present Sovereign had acted wisely in the steps he had recently adopted with reference to the Church. The noble Lord referred to the Synod of Thurles, as an instance of ecclesiastical interference with the principles of religious liberty; but was it a singular circumstance to see religious instructors taking part in educational disputes? When the right hon. Baronet (Sir J. Graham) introduced a measure connected with education, was it not defeated by the combined opposition of the Wesleyans and other religious bodies? Then, as regarded the national system of education in Ireland, had it not been opposed by the great majority of the clergymen of the Established Church in that country? He did not mention these cases in the way of blame; but to show that on all questions of education the spiritual guides of the people felt it their duty to take a part; and he might say that it was a duty intimately associated with the discharge of their spiritual functions. The Home Secretary had roundly charged the Roman Catholics with being guilty of an act of aggression in the recent change; but against the opinion of the right hon. Gentleman he would set that of a nobleman, once Secretary for Ireland—a nobleman who had earned for himself a decided reputation, even in the estimate of his opponents, during his administration of the affairs of Ireland, and who had gained a European reputation by that noble treaty known as the Elliot Convention, which limited the sad horrors of an unnatural contest, and led to a system more in accordance with the legitimate principles of regular warfare. [The hon. Member here read some passages from the pamphlet of the

Earl of St. Germans, to the effect that, as we gave nothing to the Roman Catholic Church in England beyond the toleration extended to every religious body, so we should not interfere with its internal organisation, any more than we interfered with that of Protestant Dissenters; and that the law ought to ignore the existence of a Roman Catholic Archbishop of Westminster, or Bishop of Plymouth, just as it had hitherto ignored the office of vicars-apostolic.] The opinion of so enlightened a nobleman might, he thought, be weighed against that of the Home Secretary, or of any other Gentleman who had characterised the late Papal act as an aggression. But what had the celebrated Lord Castlereagh said upon the question of a Catholic hierarchy? He argued against the idea "that any evil or difficulty arose from the existence of the Roman Catholic Church in an episcopal form in Ireland. On the contrary, he was of opinion that the power of government incident to bishops was in itself *pro tanto* a salutary reduction of the external authority of the See of Rome, and that he much preferred the ministry of bishops to that of vicars-apostolic, who were merely missionaries, removable at pleasure, and bound implicitly to obey all orders from the Pope." No language could be more apposite to the present occasion than this, though it was spoken many years ago. The argument used by Cardinal Wiseman, in his Appeal to the people of England, that the title and office of bishop was not a dignity in the sense in which the Sovereign was said to be the fountain of honour and dignity, had never yet been refuted by any speaker or writer on this question; and he was certainly surprised to hear the hon. Member for Oxford (Mr. P. Wood) assert that it was impossible for a bishop to be created without the sanction of the Crown. He must have forgotten that for the first 300 years of the Church, the Christian religion and Christian forms were maintained in direct opposition to the Imperial Government. During those 300 years every Emperor held the title of Pontifex Maximus, and bitterly persecuted all Christians, who, while they gave obedience in matters temporal, held their religious opinions, and followed the forms of their Church in defiance of the secular power. As a case in point, St. Augustine, in our own country, was bishop some time before the conversion of Etheldred had converted the people of England to the Christian religion. When it was asserted that the Pope claimed rule over all England, he would, in refutation of that statement, refer to the Letters Apostolic of the Pope himself, from which it was evident that the Supreme Pontiff did not speak of England as England, but simply with reference to those professing the Roman Catholic belief. Instead of being aggressive, it spoke only of the increasing numbers of Catholics in this country, and of the necessity that existed for their being under the sole government of bishops deriving their titles and their particular cures from places connected with kindred and home names. But it was said that this was an attempt to supersede the government of the bishops of the Established Church. Now, no such accusation was made in the case of Canada, where, by express treaty, the Catholic religion was recognised. The Catholic religion was as much established in Lower Canada as was the Protestant religion by the laws of this country. There was a Roman Catholic Bishop of Quebec, and there was a Protestant Bishop, with conterminous jurisdiction. This showed that we had not acted up everywhere to those vigorous principles which it was fancied had been laid down upon this matter. In other countries the course pursued by Catholics in this country was followed out. There was a Latin Patriarch at Constantinople, who exercised his functions without giving any offence to the Ottoman Porte; and at Antioch there were three patriarchs belonging to the Syriac, the Greek, and the Latin Churches. Much had been said with reference to the Pastoral which had been recently issued; but that Pastoral was addressed, not to the people of England, but to the clergy, secular and regular, and the faithful of the archdiocese. It was an address that applied exclusively to Catholics, and it would be acknowledged as an axiom that a legal document could affect those only to whom it was addressed. The highest and greatest authority—if he might without impiety quote His words on that occasion—had said, "Whose superscription is this?"—the Saviour of mankind having thus declared that to be the manner in which the definition of a document could be rightly interpreted. The much-abused Pastoral was addressed to the members of the Catholic faith, and to them alone; and if any further corroborative testimony was required, it must be found in those emphatic prayers that were directed to be recited after the sacrifice of the mass, and which certainly the Prime Minister could not say were intended for those of any other but the Catholic creed. From the observations of the legal officers of the Crown upon this measure, it appeared to be one that interfered with some of the most important charities and trusts of the country. It was a measure which involved an aggression upon the private rights of property more unjust than any that had ever been attempted since he had had the honour of a seat in that House. But he ventured to tell the Government that not only their legal ingenuity but their physical endurance would be highly tested before they were able to carry into effect this persecuting enactment. He would say, that protection as between their bishops and themselves the Roman Catholics needed none; and if the Prime Minister should have been led to suppose that they did so, the address which had been presented to Cardinal Wiseman from the great body of their most talented and distinguished laymen would most decidedly contravene that fact. Protection they required none; they only asked to be let alone, to enjoy their own religious liberty in an unendowed Church, which claimed nothing from this country but that toleration which would permit them to maintain its own creed and defend it against that of others who attacked—and might God defend the right! So convinced was he of the justice of his cause, and of its high and impregnable position, that, humble as he was, he had not flinched from encountering, and, he believed, answering the arguments of the First Minister of the Crown. He only claimed for his poorer fellow-religionists that toleration which he was willing to concede to all; and if he had said ought to hurt the creed of any one, it had been most alien to his thoughts. He had only sought to vindicate his own creed; and he trusted he should never say anything that would violate the sanctity of the temple of religious freedom.

DIFFERENTIAL DUTIES (SPAIN).

A Better Report of the Reply of MR. ANDERSON, *delivered March* 27, 1851, *in* Vol. cxv., p. 683.

MR. ANDERSON replied: With regard to the Motion, he said, that he regretted to find from the observations of his hon. Friend the Member for Montrose, and his right hon. Friend the Member for Manchester, that, notwithstanding his (Mr. Anderson's) explanation of the difference in principle between an endeavour to obtain free and fair competition for our merchant shipping, and to remove obstructions to international commerce—an endeavour perfectly consistent, as he considered, with the principles of free trade — they persisted in confounding it with the levying of retaliatory duties on foreign produce, because foreign countries might levy high duties on our produce. He maintained that the proposition which he had brought forward rested on a totally different principle. It was calculated to promote the freedom of trade by free and fair competition. He would never for an instant be so absurd as to propose, that because Spain, for instance, thought proper to levy a duty of from 100 to 150 per cent on the produce of our fisheries, as he had already stated, we should therefore put a duty of 100 to 150 per cent on her wool, and thus obstruct and enhance the cost of our manufacturing industry. His object was to cheapen the cost and improve the means of maritime transit, and to show that we could do so without detriment to any other British interest. After, however, what had been stated by the noble Lord at the head of the Foreign Department, and the strong opinions as to the injustice of this part of the commercial policy of Spain, which had been pronounced on both sides of the House, he felt that he should better promote the object which he had in view by leaving it for the present in the hands of the noble Lord, than by pressing his Motion to a division, and would, therefore, with the leave of the House, withdraw it.

MR. BANKES and other hon. Gentlemen, however, called for a division, and the House divided.

A TABLE

OF

ALL THE STATUTES

PASSED IN THE FOURTH SESSION OF

THE FIFTEENTH PARLIAMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND IRELAND,

14° & 15° *VICT.*

PUBLIC GENERAL ACTS.

I. AN Act to amend the Passengers Act, 1849.

II. An Act to authorize the Inclosure of certain Lands in pursuance of the Sixth Annual Report of the Inclosure Commissioners.

III. An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-one.

IV. An Act to enable Her Majesty to appoint a Vice-Chancellor in the room of Sir *James Wigram,* resigned.

V. An Act for the Regulation of Her Majesty's Royal Marine Forces while on Shore.

VI. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

VII. An Act to amend an Act of the Parliament of *Ireland* of the Twenty-fifth Year of King *George* the Third, for explaining and amending several Laws for the Encouragement of Agriculture, so far as relates to Leases for the Erection of Mills.

VIII. An Act to extend the Provisions of the Designs Act, 1850, and to give Protection from Piracy to Persons exhibiting new Inventions in the Exhibition of the Works of Industry of all Nations in One thousand eight hundred and fifty-one.

IX. An Act for raising the Sum of Seventeen Millions seven hundred and fifty-six thousand six hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-one.

X. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.

XI. An Act for the better Protection of Persons under the Care and Control of others as Apprentices or Servants; and to enable the Guardians and Overseers of the Poor to institute and conduct Prosecutions in certain Cases.

XII. An Act to continue the Duties and Profits arising from Property, Professions, Trades, and Offices, and to amend the Act imposing the same.

XIII. An Act to regulate the Sale of Arsenic.

XIV. An Act to amend the Law for the Registration of certain Persons commonly known as "Compound Householders," and to facilitate the Exercise by such Persons of their Right to vote in the Election of Borough Members to serve in Parliament.

XV. An Act to amend the Court of Chancery (*Ireland*) Regulation Act, 1850.

XVI. An Act for the better Management and Control of the Highways in *South Wales.*

XVII. An Act further to explain and amend an Act for the Regulation of Process and Practice in the Superior Courts of Common Law in *Ireland.*

XVIII. An Act to continue the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty, to assimilate the Stamp Duties in *Great Britain* and *Ireland,* and to make Regulations for collecting and managing the same.

XIX. An Act for the better Prevention of Offences.

XX. An Act to extend the Remedies provided by the Renewable Leasehold Conversion Act, for the Recovery of Fee-farm Rents under that Act, to all other Fee-farm Rents in *Ireland* reserved upon Grants of Land in which the Grantors have no Reversion.

XXI. An Act to amend an Act of the Sixth and Seventh Years of Her Majesty, to amend an Act of the Nineteenth and Twentieth Years of King *George* the Third for empowering Grand Juries in *Ireland* to present Bridges, and Tolls to be paid for passing the same in certain Cases.

XXII. An Act to continue the Survey of *Great Britain, Berwick-upon-Tweed,* and the *Isle of Man.*

XXIII. An Act to authorize for a further Period the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries and Employment of the Poor.

XXIV. An Act to amend the Acts for the granting of Sites for Schools.

XXV. An Act to improve the Law of Landlord and Tenant in relation to Emblements, to growing Crops seized in Execution, and to Agricultural Tenants Fixtures.

XXVI. An Act to amend the Acts relating to the *British* White Herring Fishery.

XXVII. An Act to amend certain Acts for the Improvement of Prisons and Prison Discipline in *Scotland.*

XXVIII. An Act for the well-ordering of Common Lodging Houses.

XXIX. An Act for further continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England.*

XXX. An Act to continue an Act for authorizing the application of Highway Rates to Turnpike Roads.

XXXI. An Act to continue an Act to amend the Laws relating to Loan Societies.

XXXII. An Act to suspend the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

XXXIII. An Act to enlarge the Period allowed for compounding for Assessed Taxes.

XXXIV. An Act to encourage the Establishment of Lodging Houses for the Labouring Classes.

XXXV. An Act to extend the Benefits of certain Provisions of the General Merchant Seamen's Act relating to Apprentices bound to the Sea Service to Apprentices bound to the Sea Service by Boards of Guardians of the Poor in *Ireland,* and to enable such Guardians to place out Boys in the Naval Service.

XXXVI. An Act to repeal the Duties payable on Dwelling Houses according to the Number of Windows or Lights, and to grant in lieu thereof other Duties on Inhabited Houses according to their annual Value.

XXXVII. An Act to continue certain Turnpike Acts in *Great Britain.*

XXXVIII. An Act to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls.

XXXIX. An Act to exempt Burgesses and Freemen in certain Cases from the Operation of an Act for the better assessing and collecting the Poor Rates and Highway Rates in respect of Small Tenements.

XL. An Act for Marriages in *India.*

XLI. An Act to regulate the Salaries of the Chief Justice of the Court of Queen's Bench and the Chief Justice of the Court of Common Pleas.

XLII. An Act to make better Provision for the Management of the Woods, Forests, and Land Revenues of the Crown, and for the Direction of Public Works and Buildings.

XLIII. An Act for disafforesting the Forest of *Hainault* in the County of *Essex.*

XLIV. An Act to continue certain Acts for regulating Turnpike Roads in *Ireland.*

XLV. An Act to continue an Act of the Fifth and Sixth Years of Her present Majesty for amending the Law relative to Private Lunatic Asylums in *Ireland.*

XLVI. An Act to amend Two several Acts of Her Majesty's Reign enabling the Commissioners of Her Majesty's Woods to purchase Lands for and to form *Victoria Park;* and to indemnify the Trustees of Copyhold Lands held in trust for Her Majesty.

XLVII. An Act to continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.

XLVIII. An Act to continue an Act of the Second and Third Years of Her present Majesty, "To extend and render more effectual for Five Years an Act passed in the Fourth Year of His late Majesty *George* the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty *George* the Third, for preventing the administering and taking unlawful Oaths in *Ireland,*" as the same is amended by an Act of the Eleventh and Twelfth Years of Her Majesty's Reign.

XLIX. An Act to repeal an Act of the Eleventh and Twelfth Years of Her present Majesty, for making preliminary Inquiries in certain Cases of Applications for Local Acts, and to make other Provisions in lieu thereof.

L. An Act to amend the Public Health Act, and an Act of the Third and Fourth Years of King *William* the Fourth, in respect of the Assessment of Tithe and Tithe Rent-charges for certain Rates.

LI. An Act to authorize for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works in *Ireland.*

LII. An Act to facilitate the more speedy Arrest of absconding Debtors.

LIII. An Act to consolidate and continue the Copyhold and Inclosure Commissions, and to provide for the Completion of Proceedings under the Tithe Commutation Acts.

LIV. An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners.

LV. An Act to amend the Law relating to the Expenses of Prosecutions, and to make further Provision for the Apprehension and Trial of Offenders, in certain Cases.

LVI. An Act to sanction the Service by Post of Notices relative to the Proceedings of certain charitable Institutions, and to make further Provision as to the Service of such Notices in future.

LVII. An Act to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in *Ireland,* and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors.

LVIII. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland;* to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers.

LIX. An Act to continue certain of the Allowances of the Duty of Excise on Soap used in Manufactures.

LX. An Act to prevent the Assumption of certain Ecclesiastical Titles in respect of Places in the United Kingdom.

LXI. An Act for providing a Metropolitan Market and Conveniences connected therewith in lieu of the Cattle Market at *Smithfield.*

LXII. An Act to alter certain Duties of Customs, and to enable the Treasury to regulate the Mode of keeping the Account between the Receiver General of Customs and the Bank of *England.*

LXIII. An Act for the Settlement of the Boundaries between the Provinces of *Canada* and *New Brunswick.*

LXIV. An Act to repeal the Act for constituting Commissioners of Railways.

LXV. An Act to continue certain temporary Provisions relating to the Collection of Grand Jury Cess in *Ireland;* and also to provide for the due Annexation of an isolated District, formerly of the County of *Dublin*, to a Barony of the County of *Wicklow*, for the Purposes of Grand Jury Cess and other Purposes.

LXVI. An Act for rebuilding the Bridge over the River *Ness* at the Town of *Inverness*, and improving the Approaches thereto; and for amending the Acts relating to Highland Roads and Bridges.

LXVII. An Act to repeal so much of an Act of the Twelfth Year of King *George* the Third, relating to the making, keeping, and Carriage of Gunpowder, as exempts therefrom certain Gunpowder Magazines and Stores near *Liverpool*, and to make certain temporary Provisions with regard to the said Magazines and Stores.

LXVIII. An Act to provide for the better Distribution, Support, and Management of Medical Charities in *Ireland;* and to amend an Act of the Eleventh Year of Her Majesty, to provide for the Execution of the Laws for the Relief of the Poor in *Ireland.*

LXIX. An Act to continue an Act of the Twelfth Year of Her present Majesty, to prevent the spreading of contagious or infectious disorders among Sheep, Cattle, and other Animals.

LXX. An Act to alter and amend certain Provisions of the Lands Clauses Consolidation Act, 1845, so far as relates to *Ireland.*

LXXI. An Act to repeal certain Statutes relating to the *Irish* Branch of the United Church of *England* and *Ireland.*

LXXII. An Act to consolidate and amend the Laws relating to the Erection and Endowment of Churches and Chapels and Perpetual Curacies in *Ireland.*

LXXIII. An Act to consolidate and amend the Laws relating to Ecclesiastical Residences in *Ireland.*

LXXIV. An Act to amend an Act of the Eleventh and Twelfth Years of Her Majesty, relating to Poor Rate Poundage and the Valuation of Ecclesiastical Property in *Ireland;* and to provide for the Renewal of Leases of Lands disappropriated from Bishoprics.

LXXV. An Act to amend and continue the Metropolitan Sewers Acts.

LXXVI. An Act to extinguish the Right of the Crown to Deer in the *New Forest*, and to give Compensation in lieu thereof; and for other Purposes relating to the said Forest.

LXXVII. An Act to alter and extend the Powers of an Act of the Ninth and Tenth Years of Her Majesty's Reign, intituled *An Act to empower the Commissioners of Her Majesty's Woods to form a Royal Park in* Battersea Fields *in the County of* Surrey.

LXXVIII. An Act to continue and amend an Act for establishing an Office for the Benefit of the Coalwhippers of the Port of *London.*

LXXIX. An Act to consolidate and amend the Laws relating to the Regulation of Steam Navigation, and to the Boats and Lights to be carried by Sea-going Vessels.

LXXX. An Act for confirming a certain Provisional Order of the General Board of Health for applying the Public Health Act, 1848, to the Borough of *Great Yarmouth* in the County of *Norfolk.*

LXXXI. An Act to authorize the Removal from *India* of Insane Persons charged with Offences, and to give better Effect to Inquisitions of Lunacy taken in *India.*

LXXXII. An Act to simplify the Forms of Appointments to certain Offices, and the Manner of passing Grants under the Great Seal.

LXXXIII. An Act to improve the Administration of Justice in the Court of Chancery and in the Judicial Committee of the Privy Council.

LXXXIV. An Act to alter and amend an Act empowering the *Canterbury* Association to dispose of certain Lands in *New Zealand.*

LXXXV. An Act further to amend an Act of the Sixth Year of King *William* the Fourth, to consolidate and amend the Laws relating to the Constabulary Force in *Ireland.*

LXXXVI. An Act to regulate the Affairs of certain Settlements established by the *New Zealand* Company in *New Zealand.*

LXXXVII. An Act to regulate certain Proceedings in relation to the Elections of Representative Peers for *Scotland.*

LXXXVIII. An Act for amending the several Acts for the Regulation of Attornies and Solicitors.

LXXXIX. An Act to amend the Metropolitan Interment Act, 1850, and to authorize the Advance of Public Money to a limited amount for the Purposes of the said Act.

XC. An Act for the better Collection of Fines, Penalties, Issues, Amerciaments, and forfeited Recognizances in *Ireland.*

XCI. An Act to authorize the Application of Advances (out of Money now authorized to be advanced for the Improvement of Landed Property) to facilitate Emigration from certain districts of *Scotland.*

XCII. An Act to consolidate and amend the Acts relating to certain Offences and other Matters as to which Justices of the Peace exercise Summary Jurisdiction in *Ireland.*

XCIII. An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in *Ireland.*

XCIV. An Act to define and amend the Mineral

Customs of certain Parts of the Hundred of *High Peak* in the County of *Derby*, Part of the Possessions of Her Majesty's Duchy of *Lancaster;* to make Provision for the better Administration of Justice in the Barmote Courts therein; and to improve the Practice and Proceedings of the said Courts.

XCV. An Act for transferring the Duties of paving, lighting, watering, and cleansing Parts of the Crown Estate in the District of the *Regent's Park* and certain Streets and Places in *Westminster* from the Commissioners acting under several Acts of Their late Majesties King *George* the Fourth and King *William* the Fourth to the Parishes; and for transferring the Jurisdiction of the said Commissioners over certain other places in *Westminster* to the Commissioners of Her Majesty's Works and Public Buildings; and for other Purposes.

XCVI. An Act to amend the Mercantile Marine Act, 1850.

XCVII. An Act to amend the Church Building Acts.

XCVIII. An Act for confirming certain Provisional Orders of the General Board of Health.

XCIX. An Act to amend the Law of Evidence.

C. An Act for further improving the Administration of Criminal Justice.

CI. An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and fifty-one; and to appropriate the Supplies granted in this Session of Parliament.

CII. An Act to amend the Acts relating to the Merchant Seamen's Fund, and to provide for winding up the said Fund, and for the better Management thereof in the meantime.

CIII. An Act to confirm certain Provisional Orders of the General Board of Health.

CIV. An Act to facilitate the Management and Improvement of Episcopal and Capitular Estates in *England.*

CV. An Act to continue an Act of the Fourteenth Year of Her Majesty for charging the Maintenance of certain poor Persons in Unions in *England* and *Wales* upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor.

CVI. An Act for appointing Commissioners to inquire into the Existence of Bribery in the Borough of *St. Alban.*

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

i. AN Act for repairing and managing the Roads from the *Brighthelmston* Road at *Pyecombe* to *Hand Cross*, and from *Pyecombe* to the *Henfield* Road at *Poynings Common*, in the County of *Sussex.*

ii. An Act for the Improvement of the Sewerage of the Borough of *Leicester*, and for making other Provisions for the Sanitary Regulation of such Borough.

iii. An Act for building a Bridge over *Ouseburn*, with Approaches thereto, in the Borough and County of *Newcastle-upon-Tyne.*

iv. An Act to make the Limits of the *Dewsbury* Gas Act commensurate with the whole of the Parish of *Dewsbury* and the Township of *Batley* in the Parish of *Batley;* and to authorize the raising of a further Sum of Money.

v. An Act for rendering valid certain Letters Patent granted to *John Laird* of *Birkenhead*, Shipbuilder.

vi. An Act for establishing new Markets and Market Places in the City of *Durham*, for abolishing the Corn Tolls and for regulating the Markets and Fairs within the said City and the Suburbs thereof, and for other Purposes.

vii. An Act for altering and amending The *Walworth Common* Inclosure Act, 10 Geo. 3, Cap. 72; for authorizing a Partition of the *Walworth Common* Estate; for incorporating the Governors and Guardians of the Poor of the Parish of *Saint Mary Newington* in the County of *Surrey*, and for enabling such Governors and Guardians to erect a new Workhouse; for altering and amending the Acts 54 Geo. 3, Cap. 113, and the 1 Geo. 4, Cap. 41, relating to the said Parish; and for other Purposes.

viii. An Act for amending an Act passed in the Forty-second Year of the Reign of His Majesty King *George* the Third, for draining and improving certain Fen Lands and Low Grounds in the Parishes of *Downham Market, Wimbotsham, Stow Bardolph*, and *Denver*, in the County of *Norfolk.*

ix. An Act to confirm the Issue of certain Shares in the *Reading* Cemetery Company; to enable the Company to raise a further Sum of Money; and for other Purposes.

x. An Act for Relief to the several Townships in the Parish of *Manchester* from the Repair of Highways not situate within such Townships respectively.

xi. An Act to extend and amend the Provisions of the Act relating to the *Cheltenham and Painswick* District of Turnpike Road in the

County of *Gloucester*, and to create a further Term therein.

xii. An Act to amend and extend the Provisions of the Acts relating to the *Cheltenham and Gloucester* District of Turnpike Roads in the County of *Gloucester*, and to create a further Term therein.

xiii. An Act for keeping in repair the Road from *Appleby* in the County of *Westmoreland* to *Kirby-in-Kendal*, and from *Orton* to the Turnpike Road near *Shap*, and from *Highgate*, near *Tebay*, through *Kirkby Stephen*, to *Market Brough* in the said County.

xiv. An Act for incorporating "The *Scarborough* Gas Company," for enabling the Company to raise a further Sum of Money for better supplying the Borough of *Scarborough* with Gas, and for other purposes.

xv. An Act to amend and extend the Provisions of an Act for widening and improving the Road leading from the Turnpike Road in the Town of *Tenterden*, through *Woodchurch*, to *Warehorne*, and the Road leading out of the Turnpike Road in the Parish of *Bethersden*, through *Woodchurch*, to *Appledore*, in the County of *Kent ;* and to create a further Term therein.

xvi. An Act to provide for the Alteration or Extinguishment of the existing Rights in the Freemen's Pastures in the Township and Borough of *Hartlepool* in the County of *Durham*, and for the Appropriation and Management of such Pastures ; for vesting in the Body Corporate of the Borough the Harbour Dues receivable by them ; and for other Purposes.

xvii. An Act to amend an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act for more effectually repairing the Roads from* Nether Bridge *to* Levens Bridge, *and from thence through the Town of* Millthrop to Dixes, *and from the Town of* Millthrop *to* Hangbridge, *and from thence to join the* Heronsyke *Turnpike Road near* Clawthrop Hall, *in the County of* Westmoreland.

xviii. An Act for more effectually repairing the Road from *Beck Fen Lane* in the Parish of *Mildenhall* in the County of *Suffolk* to *Littleport* in the *Isle of Ely* and County of *Cambridge*, and other Roads therein mentioned in the Counties of *Norfolk* and *Suffolk*.

xix. An Act to authorize the Construction of a Bridge across the Lower Turnpike Road leading from *Greenwich* to *Woolwich*, and the crossing of a Footpath.

xx. An Act for maintaining in repair several Roads leading from and through the Town of *Wiveliscombe* in the County of *Somerset*, and the Roads adjoining thereto in the Counties of *Somerset* and *Devon*.

xxi. An Act for making a Railway from the *Chester and Holyhead* Railway near *Bangor* to *Port Dinorwic* and *Caernarvon*.

xxii. An Act to amend some of the Provisions of the Acts relating to the *Bristol and Exeter* Railway Company, and to grant to such Company certain Powers of holding Shares in other Undertakings.

xxiii. An Act for empowering the *Stockton and Darlington* Railway Company, and their Lessors, the *Wear Valley* Railway Company and the *Middlesborough and Redcar* Railway Company, to raise more Money ; and for other Purposes.

xxiv. An Act for repairing the Road leading from *Shrewsbury* to *Bridgnorth*, and several other Roads therein mentioned.

xxv. An Act to enable the *Scottish Central* Railway Company to raise a further Sum of Money.

xxvi. An Act for making a Railway from *Halesworth* to *Beccles* and *Haddiscoe*, with a Branch therefrom, to be called "The *Halesworth, Beccles, and Haddiscoe* Railway."

xxvii. An Act for enabling the *North British* Railway Company to enlarge their Station at *Edinburgh*, and to make certain short Railways there and at *Dalkeith;* and for other Purposes.

xxviii. An Act for making a Branch Railway from the *London and Blackwall* Railway to *Haydon Square, Whitechapel;* and for amending some of the Powers of the Acts relating to the *London and Blackwall* Railway Company.

xxix. An Act for extending the Benefit of the Royal Naval School to Children at present ineligible to be admitted therein, and for authorizing the Establishment of a Chapel in connexion with the said School, and for amending the Acts relating thereto.

xxx. An Act for extending the Time limited for widening the *London and Blackwall* Railway, and for making the Branches to the *London and Saint Katherine* Docks ; for erecting a Station and other Works at *Rhodeswell* in the Parish of *Saint Anne ;* and for amending the Acts relating to the said Railway.

xxxi. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the Western District of the *Richmond and Lancaster* Turnpike Road.

xxxii. An Act to enable the Company of Proprietors of the *Regent*'s Canal to enlarge the Reservoir on the River *Brent;* and to amend the Acts relating to the Canal.

xxxiii. An Act to amend "The *Leicester* Waterworks Act, 1847," to make certain Alterations in the Works, and to extend the Period for completing such Works ; and also to authorize an Arrangement with the Local Board of Health for the Borough of *Leicester*.

xxxiv. An Act for continuing the Term of the *Derby, Ashborne, and Hurdloe* Road Act, and for other Purposes.

xxxv. An Act for the making of a Railway from *Mayfield* in the County of *Sussex* to join the Railway from *Tunbridge Wells* to near *Hastings* of the *South-eastern* Railway Company, and to be called "The *Mayfield* Railway."

xxxvi. An Act for supplying the Inhabitants of the Town of *Whitby* and adjacent Places with Water.

xxxvii. An Act for repairing and managing the Roads from the North End of the Town of *Derby* in the County of *Derby* to *Sheffield* in the County of *York*, and from *Duffield* to *Wirksworth* in the County of *Derby*.

xxxviii. An Act for erecting and maintaining new Public Offices for the County of *Aberdeen*, for altering and enlarging the present Record Office of the County, and for other Purposes.

xxxix An Act to authorize certain Alterations in the Line and Levels of the *Malton and Driffield Junction* Railway, and to amend the Act relating thereto.

xl. An Act for making a Railway from the *Gloucester and Dean Forest* Railway in the Parish of *Westbury* in the County of *Gloucester* to the City of *Hereford*.

xli. An Act to continue the Term of the Act of the Sixth Year of *George* the Fourth, Chapter Fifty-one (Local), so far as relates to the Turnpike Road between *Manchester* and *Audenshaw* in the Parish of *Ashton-under-Lyne*, all in the County Palatine of *Lancaster;* and to make better Provision for the Repair of the Road; and for other Purposes.

xlii. An Act to improve the Town of *Harwich*, to reclaim Part of the Foreshore of *Harwich* Harbour, and to construct Quays and a Pier, and for other Purposes.

xliii. An Act to enable the *Commercial* Dock Company to purchase and enlarge the *East Country* Dock; to construct a Tramway to connect their Docks with the *Deptford* Branch Railway; and for other Purposes.

xliv. An Act to authorize a Deviation in the Line of the *Killarney and Valencia* Railway, and to continue and revive the Powers granted by "The *Killarney and Valencia* Railway Act, 1847," for the compulsory Purchase of Lands, and to extend the Period by such Act limited for the Completion of the said Railway.

xlv. An Act to enable the *Great Northern* Railway Company to construct Stations at *Knottingley* and *Wakefield;* to increase their Capital; to enlarge their *London* Station; to amend their Acts; and for other Purposes.

xlvi. An Act to authorize Deviations of the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway between *Sheffield* and *Barnsley;* and to amend the Acts relating to the said Railway.

xlvii. An Act for altering the Name of the *Leeds and Thirsk* Railway Company to the Name of the *Leeds Northern* Railway Company, for extending the Time for Completion of certain Works, for regulating the Capital of the Company, and for other Purposes

xlviii. An Act for enabling Arrangements with reference to the Purchase, Lease, or other Use by the *Great Western* Railway Company of the *Wilts, Somerset, and Weymouth* Railway, the *Gloucester and Dean Forest* Railway, and the *South Wales* Railway respectively, to be effected; and for other Purposes.

xlix. An Act for making and maintaining Docks at *Baglan Bay* in the County of *Glamorgan*, with a Branch Line of Railway to the *South Wales* Railway.

l. An Act for repairing the Road from the Town of *Stroud* in the County of *Gloucester*, through *Pitchcomb*, into the City of *Gloucester*.

li. An Act for extending the Powers of *Price's* Patent Candle Company in relation to Letters Patent for Inventions applicable to their Undertaking.

lii. An Act to enable the *South Wales* Railway Company to make a new Railway in the *Forest of Dean*, in lieu of the Railway already authorized, to construct new Lines at *Cardiff* and *Britton Ferry*, and to make an Alteration in the Line and Levels of their Railway; and for other Purposes.

liii. An Act for facilitating the Conversion by the *South Devon* Railway Company of Loan into Capital, and for enabling the same Company to effect Arrangements between different Classes of Shareholders for the Creation of new Shares; and for other Purposes.

liv. An Act for making a Railway from the *Edinburgh, Perth, and Dundee* Railway at or near to *Milton* in the Parish of *Leuchars* to the City of *St. Andrews*, to be called "The *St. Andrews* Railway."

lv. An Act to consolidate and amend the Acts relating to the *Edinburgh, Perth, and Dundee* Railway Company, and to grant further Powers to the said Company.

lvi. An Act to amend the Acts relating to the *East Lancashire* Railway Company, and to enable the Company to increase their Capital and Tolls.

lvii. An Act to regulate and increase the Capital of the *Midland* Railway Company, and to confirm and legalize the Creation and Issue of certain Fifty Pound Shares, and the Application of the Proceeds of such Shares; and for other Purposes.

lviii. An Act to facilitate Intercourse between the *Eastern Union* and certain other Railways; to alter certain Charges upon the *Eastern Union* Railway and the *Stowmarket* Navigation; and for other Purposes.

lix. An Act to amend an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act for repairing and maintaining the Road from* Huddersfield *in the West Riding of the County of* York *to* New Hay *in the Parish of* Rochdale *in the County of* Lancaster, *with a Branch to* Toothill Lane *in the said Riding, and for making a new Road from* Buckstones *to the Highway leading from* Ripponden *to* Stainland *at or near to* Barkisland School, and to continue the Term thereby granted.

lx. An Act for managing and repairing the Roads leading from *Uttoxeter* to *Stoke* near *Stone*, and from *Millwich* to *Sandon*, in the County of *Stafford*.

lxi. An Act to extend the Term and alter the Provisions of Two Acts relating to the *Buckingham, Brackley, and Banbury* Turnpike Road, and of an Act relating to the *Towcester, Brackley, and Weston on the Green* Turnpike Road, and to consolidate the Management of the said Turnpike Roads.

lxii. An Act to authorize certain Deviations of the *Slamannan and Borrowstouness* Railway.

lxiii. An Act to enable the *Dundee and Arbroath* Railway Company to enlarge their present Terminal Station in *Dundee*, and to amend the Acts relating to the Company.

lxiv. An Act to alter the Constitution of the Committee for the Affairs of the Estate of the Trustees of the *Liverpool* Docks, to authorize the Establishment of an Emigrants Home, and to alter and amend the Acts relating to the Docks and Harbour of *Liverpool*.

lxv. An Act for extending the Provisions of the *Weston-super-Mare* Improvement and Market Act, and for granting further Powers relating to the Sewage of the Town.

lxvi. An Act for constructing a Railway from the *Tivethsall* Station of the *Eastern Union* Railway to *Bungay* in *Suffolk*.

lxvii. An Act for the better Improvement and Regulation of the Borough of *Sunderland* in the County of *Durham*, and for other Purposes.

lxviii. An Act to enable the Company of Proprietors of the *Hayling Bridge* and Causeway to construct a Railway from their Docks and Wharves at *Langstone* to join the *London, Brighton, and South Coast* Railway at *Havant* in the County of *Southampton*.

lxix. An Act to incorporate the *Great Central* Gas Consumers Company.

lxx. An Act to alter and enlarge the Powers of the *Reading* Waterworks Company, and to authorize an Extension of the Works of the said Company.

lxxi. An Act for making a Railway from *Warrington* to *Altrincham*, with a Branch to join the *Birkenhead, Lancashire and Cheshire Junction* Railway at *Lower Walton*, to be called the *Warrington and Altrincham Junction* Railway; and for other Purposes.

lxxii. An Act for enabling the *Maryport and Carlisle* Railway Company to make a Deviation in their Line of Railway, and increase their Capital; and for other Purposes.

lxxiii. An Act for constructing and maintaining a Quay and other Works at *North Shields* in the County of *Northumberland;* and for other Purposes.

lxxiv. An Act to ratify and confirm certain Subscriptions and Payments made by or on behalf of the *South Wales* Railway Company to other Railway Companies.

lxxv. An Act to amend the Act relating to the *Great North of Scotland* Railway Company.

lxxvi. An Act to renew the Term and continue the Powers and Provisions of an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving several Districts of* Malmesbury *Turnpike Roads, and other Roads connected therewith, in the Counties of* Wilts, Berks, *and* Gloucester, so far as relates to the First and Second Districts.

lxxvii. An Act to authorize the *Chorley* Waterworks Company to raise a further Sum of Money.

lxxviii. An Act for the better raising and securing a Fund for a Provision for the Widows and Children of the Ministers of the Free Church, and for the Widows and Children of the Professors holding Professors Offices in any College connected with the said Church.

lxxix. An Act for the further Amendment of the Acts relating to the *Manchester* Corporation Waterworks.

lxxx. An Act to explain, amend, and enlarge some of the Provisions of the Acts relating to The *Great Southern and Western* Railway Company; and to enable the said Company to raise further Capital, and to construct a Dock or Basin at *Cork*.

lxxxi. An Act for enabling the *Great Western* Railway Company to construct a Station and Works at *Aston-juxta-Birmingham*.

lxxxii. An Act to provide for the Repair and Maintenance of the Cathedral Church of *Saint Patrick, Dublin*.

lxxxiii. An Act for authorizing certain Deviations in the *Taw Vale Extension* Railway, and for other Purposes.

lxxxiv. An Act for enabling the *York, Newcastle, and Berwick* Railway Company to abandon a Portion of their *Bishop Auckland* Branch Railway, and substitute in lieu thereof a new Line of Railway; and to extend the Time for the Purchase of Lands and Completion of Works on certain Lines of Railway authorized to be made in the County of *Durham;* and for other Purposes.

lxxxv. An Act for facilitating the Transmission to and from the *York, Newcastle, and Berwick* Railway of the Traffic of the *Byers Green* Branch of the *Clarence* Railway; for enabling the *York, Newcastle, and Berwick* Railway Company to hold Shares in the *West Durham* Railway; for granting further Powers to their Lessors, the *Great North of England, Clarence, and Hartlepool Junction* Railway Company, and the *Hartlepool* Dock and Railway Company, in reference to their Capital; and for other Purposes.

lxxxvi. An Act for amending the Act relating to the Electric Telegraph Company.

lxxxvii. An Act for the Restoration of the Standard in the River *Dee*, and for granting further Powers to the River *Dee* Company.

lxxxviii. An Act to authorize the Acquisition by the *Midland* Railway Company of the Estate and Interest of the *Leeds and Bradford* Railway Company in the *Leeds and Bradford* Railway, and to empower the *Midland* Railway Company to raise Money for such Purpose.

lxxxix. An Act for extending and enlarging the Powers of the *Bolton, Blackburn, Clitheroe, and West Yorkshire* Railway Company, for changing the Name of the Company, and for other Purposes.

xc. An Act for supplying with Water the Town of *Stockton* in the County of *Durham*, and the Suburbs thereof, and the Towns of *Middlesborough* and *Yarm* in the North Riding of the County of *York*, and the Suburbs thereof respectively; and for other Purposes.

xci. An Act to continue "The City of *London* Sewers Act, 1848," and to alter and amend the Provisions of the said Act.

xcii. An Act for repealing and amending the Provisions of the Acts relating to the Navigation of the River *Cam* or *Cham*, alias *Grant*, between *Clayhithe Ferry* and the *King's Mill* in the Town of *Cambridge;* for altering the Navigation Tolls; for enabling the Conservators of the said River to sue and be sued in the Name of their Clerk; for conferring additional Powers; and other Purposes.

xciii. An Act for transferring to the Mayor, Aldermen, and Burgesses of the Borough of *Birmingham* in the County of *Warwick* the Estates, Properties, and Effects now vested in certain Commissioners having Jurisdiction over Parts of the Borough; and to provide for the better draining, lighting, paving, supplying with Water, and otherwise improving the said Borough, and making Provision for the good Government, Regulation, and Management thereof.

xciv. An Act for enabling the *South Staffordshire* Railway Company to make a certain Branch Railway for authorizing Arrangements with the *London and North-western* Railway Company, and for other Purposes.

xcv. An Act to enable the *Cork and Waterford* Railway Company to make Arrangements as to their Capital, and to provide for the immediate Completion of the *Tramore* Branch.

xcvi. An Act for the Improvement of the Town of *Great Malvern* in the County of *Worcester*, and for supplying the same with Water.

xcvii. An Act for better paving, lighting, draining, cleansing, and otherwise regulating and improving a Portion of the Borough of *Newark* in the County of *Nottingham;* for regulating the Butchers Market therein; and for authorizing the Commissioners of the *Newark* Branch of the River *Trent* Navigation to contribute out of their Funds a Sum of Money for the aforesaid Purposes.

xcviii. An Act for the Consecration of a Portion of the *Brighton* Extramural Cemetery.

xcix. An Act to enable the *Caledonian* Railway Company to provide for the Construction of certain Branch Railways in the County of *Lanark.*

c. An Act for making a Railway from the Loop Line of the *Windsor, Staines, and South-western* (*Richmond* to *Windsor*) Railway in the Parish of *Ealing* in the County of *Middlesex* to the *London and North-western* Railway in the Parish of *Hammersmith* in the said County, with a Branch, to be called "The *North and South Western Junction* Railway."

ci. An Act for Amending the Acts relating to the *East Anglian* Railways.

cii. An Act for making a Railway from the *Furness* Railway at *Ulverstone* to the *Lancaster and Carlisle* Railway at *Carnforth,* to be called "The *Ulverstone and Lancaster* Railway."

ciii. An Act to amend "The *Killarney Junction* Railway Act, 1846."

civ. An Act for the Improvement of the City and Borough of *Bath;* for the Regulation of the Markets; and for amending the Act for supplying *Bath* with Water.

cv. An Act for facilitating the Settlement of the Affairs of the Governor and Company of Copper Miners in *England,* and for the better Management of the said Company.

cvi. An Act for of new incorporating the *Edinburgh* Lunatic Asylum under its present Name of "The Royal *Edinburgh* Asylum for the Insane," for enabling the said Corporation to borrow Money, and for other Purposes.

cvii. An Act to enable the *Dublin, Dundrum, and Rathfarnham* Railway Company to extend their Railway from *Dundrum* to *Bray;* and to extend the Time and to continue and revive the Powers granted by the Acts relating to the *Dublin, Dundrum, and Rathfarnham* Railway Company for the compulsory Purchase of Lands and Completion of Works; and to amend the Acts relating to "The *Dublin, Dundrum, and Rathfarnham* Railway;" and for other Purposes.

cviii. An Act to authorize the Abandonment of a Portion of the *Waterford, Wexford, Wicklow, and Dublin* Railway, and the Construction of a new Line of Railway in lieu of a Portion of the Line to be abandoned; to extend, in respect of a Portion of the said Undertaking, the Periods at present limited for compulsory Purchase of Lands and for Completion of Works; and to amend the Acts relating to the said Railway; and for other Purposes.

cix. An Act for amending and enlarging the Powers of the several Acts relating to "The Company of Proprietors of the *Itchen* Bridge and Roads."

cx. An Act to authorize a Deviation in the Line of the *Waterford and Limerick* Railway, and to amend the Acts relating thereto, and for other Purposes.

cxi. An Act for supplying with Water the Parish or Township of *East Stonehouse* in the County of *Devon,* and for Amendment of Act.

cxii. An Act for making a Railway from *Waterford* to *Tramore.*

cxiii. An Act to extend the Time for the Purchase of certain Lands and Completion of Works authorized by the "*Midland* Railway, *Ripley* Branches, Act, 1848," and on the *Gloucester and Stonehouse Junction* Railway.

cxiv. An Act to enable the *Great Northern* Railway Company to construct Works in connexion with the *Manchester, Sheffield, and Lincolnshire* Railway; and to facilitate the Use of that Railway by the Company; and for other Purposes.

cxv. An Act for Amending the Powers of the *Imperial Continental* Gas Association.

cxvi. An Act for better paving, lighting, cleansing, regulating, and improving the Parish of *Saint Mary Abbotts, Kensington.*

cxvii. An Act for enabling the Commissioners of the Pier and Port of *Hartlepool* to construct an additional Pier for the Protection of the Harbours and Bay of *Hartlepool,* and to establish and maintain a Ferry across the Commissioners Harbour; for enabling the Commissioners to raise further Monies; for repealing, consolidating, and amending the Acts relating to the said Pier and Port; and for other Purposes.

cxviii. An Act for incorporating the Magnetic Telegraph Company, and to enable the said Company to work certain Letters Patent.

cxix. An Act for paving, lighting, cleansing, and otherwise improving the several Townships and Places in the Borough of *Manchester,* and amending and consolidating the Provisions of existing Local Acts relating thereto.

cxx. An Act for enabling the Mayor and Commonalty and Citizens of the City of *London* to complete the Improvements authorized to be made by the *Clerkenwell* Improvement Commissioners, and for amending the Acts relating to such Improvements.

cxxi. An Act to amend an Act passed in the Session of Parliament of the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for making and maintaining and improving a Harbour at* Wicklow *in the County of* Wicklow.

cxxii. An Act for constructing a Wet Dock and other Works in connexion with *Warkworth* Harbour in the County of *Northumberland,* and for limiting the Amount of Rates and Tolls by "The *Warkworth* Harbour Act, 1847," authorized to be levied, and for varying the Application thereof.

cxxiii. An Act to amend and enlarge some of the Provisions of the Acts relating to the *Thames Haven* Dock and Railway.

cxxiv. An Act to amend the *Wexford* Free Bridge Act, 1847.

cxxv. An Act for amending the Acts relating to the *Llynvi Valley* and *Duffryn Llynvi and Porth Cawl* Railways, and for forming a Junction between such Railways and the *South Wales* Railway.

cxxvi. An Act to enable the *Manchester, Buxton, Matlock, and Midlands Junction* Railway Company to complete the Purchase of the *Cromford* Canal.

cxxvii. An Act for extending the Period for the Completion of *Cameron's Coalbrook Steam Coal and Swansea and Loughor* Railway, and for amending the Act relating to such Railway.

cxxviii. An Act to extend the leasing Powers of the Corporate Body of the Provost, Fellows, and Scholars of the College of the Holy and Undivided *Trinity* of Queen *Elizabeth* near *Dublin,* and also of the Provost thereof in his Corporate Capacity, and to enable them to make Grants of Lands in perpetuity to their Lessees in certain Cases.

cxxix. An Act for making a Railway from the *London and North-western* Railway in the Township of *Salford*, across the River *Irwell*, into the Borough of *Manchester*, to be called the *Manchester and Salford Extension* Railway.

cxxx. An Act for better enabling the General Reversionary and Investment Company to sue and be sued, and to facilitate the holding and Transfer of the Property of the Company by and from the present and future Trustees thereof; and for other Purposes.

cxxxi. An Act to authorize the *Shrewsbury and Chester* Railway Company to abandon the *Crickheath* and *Wem* Branches, to construct a Station at *Birkenhead*, to enter into arrangements with other Companies; and for other Purposes.

cxxxii. An Act for amending and extending the Provisions of the Act for the Improvement of the Town of *Saint Helen's* in the County Palatine of *Lancaster;* and for other Purposes.

cxxxiii. An Act for repairing the Road from *Sheffield* in the County of *York* to the *Marple Bridge Road* in the Parish of *Glossop* in the County of *Derby*, and the Branch to *Mortimer's Road* in the Parish of *Hathersage* in the said County of *Derby*.

cxxxiv. An Act to sanction certain arrangements entered inao between the *Caledonian* Railway Company and the Holders of guaranteed and preferential Interests in the Company, and to enable the Company to raise a farther Sum of Money.

cxxxv. An Act for incorporating the *European and American* Electric Printing Telegraph Company, and to enable them to work certain Letters Patent.

cxxxvi. An Act for reclaiming from the Sea certain Lands abutting on the Coast of *Lincolnshire* within the Parts of *Holland*.

cxxxvii. An Act for enabling the United Kingdom Electric Telegraph Company to purchase and work certain Letters Patent.

cxxxviii. An Act for incorporating the Council of *King's College, London*, and the President, Vice-Presidents, Treasurer, and Governors of *King's College Hospital*, and for connecting the said Hospital as a Medical School with the said College, and for better enabling the Corporation to carry on their charitable and useful Designs.

cxxxix. An Act to dissolve "The National Land Company," and to dispose of the Lands and Property belonging to the Company, and to wind up the Undertaking.

cxl. An Act to extend the Limits of the *Brunswick Square* (*Hove*) Improvement Act; and for other Purposes.

cxli. An Act to amend the several Acts relating to the *Waterford and Kilkenny* Railway Company; to enable the said Company to sell or lease their Undertaking, and to purchase or lease the Bridge over the River *Suir* at *Waterford;* and for other Purposes.

cxlii. An Act to enable the Trustees of the *South Holland* Drainage in the County of *Lincoln* to raise further Monies.

cxliii. An Act te amend "The Farmers Estate Society (*Ireland*) Act, 1848."

cxliv. An Act to enable the *Charing Cross Bridge* Company to raise further Monies; to amend the Acts relating to the Company; and for other Purposes.

cxlv. An Act for enabling the Class A Shareholders of the *Saint Andrew's and Quebec* Railroad Company to divide the Shares in the Undertaking into Two Classes; and for other Purposes.

cxlvi. An Act to amend the Acts relating to the Vend and Delivery of Coals in *London* and *Westminster*, and in certain Parts of the adjacent Counties; and to allow a Drawback on Coals conveyed beyond certain Limits.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER, AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to authorize the Sale to the Honourable *Richard Cavendish* of certain Freehold Hereditaments in the County of *Buckingham* devised by the Will of *Samuel Athawes* deceased, and for directing the Investment of the Purchase Money in other Hereditaments, to be settled upon the Trusts of the same Will.
2. An Act for confirming certain Leases granted by the Mayor and Commonalty and Citizens of the City of *London*, Governors of the Possessions, Revenues, and Goods of the Hospital of *Edward*, late King of *England*, the Sixth, called *Christ's Hospital;* and for enabling them to grant building and other Leases of their Estates; and for other Purposes.
3. An Act for confirming certain Leases granted by the Mayor and Commonalty and Citizens of the City of *London*, Governors of the House of the Poor commonly called *Saint Bartholomew's Hospital*, near *West Smithfield, London*, of the Foundation of King *Henry* the Eighth; and for enabling them to grant building and other Leases of their Estates.
4. An Act to authorize the Grant of new Leases of a certain Estate in the Bailiwick of *Neat* in the Parish of *Saint George Hanover Square* in the County of *Middlesex*, in Lease to Mr. *Thomas Cubitt;* and for other Purposes.
5. An Act for enabling the Trustees of the *Somersetshire, Monmouthshire, Dorsetshire*, and *Devonshire* Estates devised by the Will of Sir *Thomas Buckler Lethbridge* Baronet, deceased,

to grant Farming and Mining Leases of and otherwise extending their Powers in relation to the said Estates.

6. An Act for enabling the Trustees of the Will of *Thomas Jackson* deceased to sell Freehold Hereditaments situate in the Parish of *Mentmore* in the County of *Buckingham* to the Baron *Mayer Amschel de Rothschild.*

7. An Act to confirm a certain Contract for granting Leases made and entered into by the Honourable *Arthur Upton* of Part of the Lands and Hereditaments comprised in the Will of the Honourable *Fulk Greville Howard* deceased, situate at *Kilburn* in the County of *Middlesex;* and to alter and enlarge the Power of granting Building Leases contained in the same Will; and for other Purposes relating thereto.

8. An Act to authorize the Appropriation to charitable Purposes of the unclaimed Funds and Property under the Control of "The *Glasgow Provident* Bank," and the winding up of its Affairs.

9. An Act for regulating and securing the Debt due by the Burgh of *Musselburgh* in the County of *Edinburgh;* and for other Purposes in relation thereto.

10. An Act to authorize the granting of Building Leases of Part of the Estates devised by the Will of *William Moore* Esquire, deceased, situate in the Parish of *Fulham* in the County of *Middlesex.*

11. An Act authorizing the Application of Part of the Trust Funds subject to the Trusts of the Will and Codicils of the late Sir *Timothy Shelly* to certain lasting Improvements upon Estates bought under the Trusts of such Will and Codicils.

12. An Act to enable the Trustees of the Will of the Most Noble *Francis* late Duke of *Bridgewater* to make Conveyances in Fee or Demises for long Terms of Years of his Trust Estates, and more effectually to administer the Trusts of the Will of the said Duke.

13. An Act for extending Powers created by the Will of *John Watson Barton* deceased, and for enabling Sales and Leases to be made of Lands subject to his Will; and for other Purposes.

14. An Act to empower the Dean and Chapter of *Westminster* to build on Ground contiguous to *Westminster Abbey;* and for other Purposes.

15. An Act to give effect to certain Restrictions and Conditions relating to a Church and Parsonage House proposed to be erected on Sites to be given by the Most Noble *Francis* Duke of *Bedford*, Knight of the Most Noble Order of the Garter, and to Two Dwelling Houses proposed to be purchased and conveyed for Vicarage and Rectory Houses on the Estate of the said Duke, in the County of *Middlesex.*

16. An Act to enable the Committees of the Estate of *John Brown*, a Lunatic, to sell a portion of the Estates whereof the said Lunatic is Tenant in Tail in possession.

17. An Act for explaining and modifying the Provisions of the Deed of Constitution of *Dorward's* House of Refuge for the Destitute in *Montrose*, and of the Trust Disposition and Settlement of *William Dorward* Merchant in *Montrose*, and Codicils thereto, and for incorporating and enlarging and defining the Powers of the Managers of the said House of Refuge, and for other Purposes relating thereto.

18. An Act to enable the Dean and Chapter of the Cathedral Church of *Christ* in *Oxford*, of the Foundation of King *Henry* the Eighth, and their Trustees, as Owners in Fee of Lands in *Kentish Town* in the County of *Middlesex*, to grant Building Leases, and for other Purposes.

19. An Act for enabling the Committee or Committees for the Time being of the Estate of *Stapylton Stapylton* Esquire, a Lunatic, Tenant in Tail Male under the Will of the Reverend Sir *Martin Stapylton* Baronet, deceased, to grant Leases for Mining and other Purposes of certain Parts of the entailed Estates situate at *Eston* in the County of *York.*

20. An Act for the Regulation and Improvement of the Charities founded by *Richard* Lord *Riche* in the Parish of *Felstead* in the County of *Essex*, and for other Purposes.

21. An Act for authorizing the Sale of the *Kelmarsh* Estate in the County of *Northampton*, devised by the Will of *William* Lord *Bateman* deceased, and the Discharge of the Incumbrances affecting that Estate; and for other Purposes.

22. An Act to provide for the future Regulation and Management of the Grammar School of *Anthony Browne*, Serjeant-at-Law, at *Brentwood* in the County of *Essex*, and of the Almshouses founded by the said *Anthony Browne*, and of the Estates and Possessions of the same School and Almshouses; and for other Purposes.

23. An Act to Authorize the Sale or Exchange of Part of the Estate of the Free School at *Ripley* in the County of *York*, and for other Purposes relating to the said Charity.

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24. An Act to dissolve the Marriage of *Edmund Heathcote* Esquire with *Elizabeth Lucy Heathcote* his now Wife, and to enable him to marry again; and for other Purposes.

25. An Act to dissolve the Marriage of *Henry Boddington Webster* Esquire with *Emilie Marie Louise Wilhelmina Webster* his now Wife, and to enable him to marry again; and for other Purposes.

26. An Act to dissolve the Marriage of *William Houlbrooke Tayleur* Esquire with *Emma Elizabeth Tayleur* his now Wife, and to enable him to marry again; and for other Purposes.

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TO

HANSARD'S PARLIAMENTARY DEBATES

IN THE FOURTH SESSION OF

THE FIFTEENTH PARLIAMENT OF THE UNITED KINGDOM,

14° & 15° VICTORIA,

1851.

Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Comm.* Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.— *l.*, Lords.— *c.*, Commons—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion. —*p. q.*, Previous Question. — *r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.* First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

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